

CABINET

TUESDAY 7 APRIL 2015
10.00 AM

Bourges/Viersen Room - Town Hall

Contact – gemma.george@peterborough.gov.uk, 01733 452268

AGENDA

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Circulation

Cabinet Members

Scrutiny Committee Representatives

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Press

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MINUTES OF CABINET MEETING HELD 20 MARCH 2015

PRESENT

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

Cabinet Advisers: Councillor Casey.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Lamb.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES OF THE CABINET MEETING HELD ON 23 FEBRUARY 2015

The minutes of the meeting held on 23 February 2015 were agreed as a true and accurate record.

STRATEGIC DECISIONS

4. TRANSFORMING DAY OPPORTUNITIES FOR ADULTS UNDER 65

Cabinet received a report which followed the consultation and feedback on the proposed recommendations on day opportunities for adults under 65. The consultation sought the views of service users, parents, carers, staff, providers and partners on the transformation of day opportunities and the report enabled Cabinet to consider both the responses to the city wide consultation and the amendment to the original proposals.

Councillor Holdich stated that he was the chairman of City College, however he had reviewed his position and taken legal advice and did not consider himself predetermined and was therefore able to talk and vote on the matter.

Councillor Fitzgerald introduced the report highlighting the main issues contained within. He provided an overview of the new model, namely for the City College Peterborough to manage the day opportunities, and advised that the model focused on increasing the support given to people in developing employment and independent living skills, whilst retaining care based services for those with the most complex needs.

Pat Carrington, Principal of the City College, addressed Cabinet and gave an overview as to why the new model was so innovative, the plans going forward and the expertise that the College could bring to the model. She further advised of the partners who would be involved in taking the model forward.

Cabinet debated the report and key points raised and responses to questions included:

- The Council continued to support Westcombe Industries and a number of other micro-industries such as Royce Rolls etc.

- The College would develop individual's skills in order to give them more employability prospects. It was recognised however that not all individuals would be able to work;
- With regards to assisting to actively find work placements, the College worked with 250 employers across the city and the day opportunity centres also had contacts of their own; and
- There may be some changes to the service going forward, but these would be made in order to make further improvements.

Cabinet reviewed the feedback received from the consultation on the proposals and its amendments for the transformation and modernisation of day services for adults under 65 and **RESOLVED**:

To approve the proposed approach of day opportunities operating effectively and effectively under the new model, namely for the City College Peterborough to manage the day opportunities.

REASONS FOR THE DECISION

To enable consideration of both the responses to the recent city-wide consultation on the transformation of day opportunities and the amendment to the original proposals; and for consideration to be given as to how the findings would feed into the Councils spending plans for 2015/16.

ALTERNATIVE OPTIONS CONSIDERED

A review of the current provision of day opportunities for people with learning and physical disabilities provided by the Council had been commissioned to understand if they were best meeting people's needs or could be improved.

A number of alternative delivery models had been considered in providing an alternative to the service currently provided and the continuation of in-house services was not considered a viable option for a number of reasons.

5. NEW DELIVERY MODEL FOR PETERBOROUGH LIBRARY SERVICE

Cabinet received a report which requested it to consider the responses made to the consultation on the future delivery model for the library service in Peterborough and, in light of those responses, to determine the way forward in such a way as to fulfil the Council's statutory obligations.

The report sought Cabinet's approval for the future delivery model for the library service in Peterborough.

Councillor Serluca introduced the report highlighting the main issues contained within including the key aspects of the new model and an overview of the consultation responses received. It was advised that the model provided for a flexible library service which responded to local need. Work would also continue with partners and groups to develop and monitor the proposals in the two pilot libraries, with the remaining implementation over two months. The Council's Culture and Leisure Partnership Manager summarised the additional consultation responses received following the 12 noon deadline.

Cabinet debated the report and key points raised and responses to questions included:

- Cabinet congratulated officers and the Cabinet Member on the work undertaken on the consultation and the final outcome proposals;

- A media campaign would be run throughout April 2015 to encourage individuals to sign up to Open+. Clear opening hour guidance would be available at all the libraries, giving people the option to know which libraries were open at any given time; and
- The outcome proposals would ultimately improve the service provided and it was to be noted that many other authorities were closing libraries altogether, meaning a total loss of jobs.

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

Approve the future delivery model for the library service in Peterborough.

REASONS FOR THE DECISION

To approve the proposed new approach to delivering Peterborough's library services in the future as outlined within the report.

ALTERNATIVE OPTIONS CONSIDERED

Alternative options had been explored, but discounted, in relation to the options for the delivery of library services in Peterborough that would achieve a similar level of saving:

- 1) The option of putting all of the available staffing resource into Central Library to create an enhanced 7 day city centre offer, supplemented by the library mobile service; and
- 2) Central, Bretton, Orton, Werrington and Dogsthorpe libraries remain open with reduced staff hours, but will be available for further hours with no staff. Hampton remains as a purely self-service library. Eye, Dogsthorpe, Stanground, Thorney and Woodston libraries will close. However if community groups come forward any of these can remain open by being run by volunteers at no additional cost to the Council.

MONITORING ITEMS

6. CHILDREN'S SERVICES DIRECTORS UPDATE

Cabinet received a quarterly report which provided an update on the improvements made in Children's Services and ongoing performance.

Cabinet considered the report and **RESOLVED**:

To note the contents of the report.

REASONS FOR THE DECISION

To ensure an overview of Children's Services improvement was provided to the Cabinet for information.

ALTERNATIVE OPTIONS CONSIDERED

There were no alternative options considered.

Chairman
2.30pm – 3.05pm

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CABINET	AGENDA ITEM No. 4
7 APRIL 2015	PUBLIC REPORT

Cabinet Member(s) responsible:	Cllr Marco Cereste - Leader of the Council and Cabinet Member for Growth, Strategic Planning, Housing, Economic Development and Business Engagement	
Contact Officer(s):	Simon Machen, Corporate Director Growth and Regeneration	Tel. 453475
	Brendan Troy, Principal Infrastructure and Monitoring Officer	Tel. 863773

PETERBOROUGH COMMUNITY INFRASTRUCTURE LEVY (CIL) – DRAFT CHARGING SCHEDULE

RECOMMENDATIONS	
FROM : Corporate Director Growth and Regeneration	Deadline date : Full Council 15 April 2015
<p>1. That Cabinet recommends to Council that:</p> <ul style="list-style-type: none"> A. the Examiner’s Report into the Draft CIL Charging Schedule is considered and the recommendations and conclusions that underpin them are accepted (Appendix A); B. the Peterborough Community Infrastructure levy (CIL) Charging Schedule (Appendix B) is adopted, with CIL to come into effect for all planning applications approved on or after 24 April 2015; C. the Council’s CIL Supporting Policies Document (including Regulation 123 List, Instalment Policy, Payment in Kind Policy and Statement of Exceptional Circumstances Relief) be adopted and published (Appendix C); D. delegated authority be given to the Director of Growth and Regeneration (a) to take all steps necessary to implement the Community Infrastructure Levy Regulations 2010 (as amended), and (b) to take all necessary enforcement action under the Community Infrastructure Levy Regulations 2010 (as amended); E. Local Validation Requirements be amended to require the submission of CIL liability details from 24 April 2015; F. 5% of CIL is retained for the administration and governance costs incurred by the Council, in accordance with the CIL Regulations; and, G. The Community Infrastructure Levy is added to the Council’s Major Policy Framework and to approve the consequential Constitutional amendments resulting (Appendix F). <p>2. That Cabinet approves the Developer Contributions Supplementary Planning Document (SPD) for adoption, with the SPD coming into effect on 24 April 2015 (Appendix D).</p> <p>3. That Cabinet revokes the Planning Obligations Implementation Scheme (POIS) SPD, effective from 24 April 2015.</p>	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to Cabinet following the Examination in Public of the Peterborough Community Infrastructure Levy (CIL) Draft Charging Schedule (PDCS). Please note a Frequently Asked Questions note on CIL in Peterborough has been provided at Appendix G to this report.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The report explains the outcome of the Examiner's report on the Peterborough CIL Draft Charging Schedule, the proposed modifications to the final charging schedule and associated policies, and proposes a formal adoption date of 24 April 2015. The Charging Schedule and supporting policies are attached as appendices.
- 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?	YES	If Yes, date for relevant Cabinet Meeting	7 April 2015
Date for relevant Council meeting	Full Council 15 April 2015	Date for submission to Government Dept <i>(please specify which Government Dept)</i>	N/A

4. BACKGROUND

- 4.1 A number of changes to the way local authorities can collect and distribute developer contributions have and are being implemented. These changes are being driven by legislative and statutory changes at the national level. In order to continue to secure 'developer contributions' for investment in infrastructure it is considered critical to accommodate our growth targets and maintain sustainable communities, we need to make changes to our existing systems and processes. The main thrust of these changes is through the adoption of a Community Infrastructure Levy (CIL) which, once adopted by Council, will replace the current Peterborough Planning Obligations Implementation Scheme (POIS). This report reminds Cabinet about CIL, how it will work, and the timetable for adopting and implementing a CIL by 24 April 2015. If it is approved by Council, it will be implemented on all new planning permissions granted on or after 24 April 2015.
- 4.2 The CIL is a non-negotiable charge on new buildings in £'s per square metre and the rates must be set out in a Charging Schedule. It can be charged on most buildings / extensions over 100 sq.m and dwellings of any size (unless built by a self-builder), based on a net increase in floorspace. It cannot be charged on affordable housing, charities, householder extensions under 100 sq.m, self-build extensions or dwellings, or specified types of development that the Council has decided should have a 'zero' rate in the Charging Schedule. The CIL is charged on new development. It normally becomes liable on the grant of planning permission, but may also be payable in relation to permitted development. CIL is only payable on commencement of development. The rates will be index linked from the date of adoption; any further changes to the CIL rates would require the Council to undergo a fresh CIL consultation exercise.
- 4.3 The CIL Regulations 2010 (as amended) restrict the use of S106 Planning Obligations from 6 April 2015. After that date, pooling of more than five S106 planning obligations per type or item of infrastructure will no longer be possible. In effect, this makes our current S106/POIS¹ tariff-based system unlawful from 6 April 2015 and CIL becomes the only available mechanism to pool funds. At the same time as the CIL is adopted in Peterborough, it will be necessary to revoke the existing POIS Supplementary Planning Document.

¹ POIS – Peterborough Planning Obligations Implementation Scheme SPD (Feb 2010)

PETERBOROUGH COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.4 Before a CIL Charging Schedule is adopted it must go through two formal rounds of public consultation, followed by an independent examination. The first round, known as the Preliminary Draft Charging Schedule stage, occurred in November/December 2012.
- 4.5 The second round of public consultation, the Draft Charging Schedule stage, took place between 18 August and 15 September 2014.
- 4.6 Following consultation on the Draft Charging Schedule, it was submitted to the Planning Inspectorate for independent examination on 24 October 2014. An examination was carried out by William Fieldhouse BA(HONS) MA MRPTI and a public hearings session was held at Peterborough Town Hall on 27 January 2015.

Examiners Report

- 4.7 The Examiner issued his report on 16 February 2015 (Appendix A). Three modifications are recommended, in order that the charging schedule meet statutory requirements. Two of the modifications relate to clarifying the definitions of proposed land use charges. The third recommends that the proposed rate for residential developments comprising 500 dwellings or more be reduced from the proposed £15 / sq.m to £0 / sq.m. In light of new evidence on benchmark land values, which came forward at Draft Charging Schedule Consultation Stage, the Examiner found that the proposed £15 / sq.m charge was no longer viable.
- 4.8 The Examiner concluded in his report that, subject to modification, the Peterborough City Council Community Infrastructure Levy Charging Schedule (Appendix B) provides an appropriate basis for the collection of the levy in Peterborough and that the specified modifications do not significantly alter the basis of the Council's approach.

Final Charging Schedule

- 4.9 The Charging Schedule sets out '£ rates per sq m' for different development types that are liable to pay the charge. The final document for adoption, including modifications, is attached at Appendix B. The Charging Schedule is a short document that sets out the rates of CIL that will be applied in Peterborough. To summarise the rates proposed are as follows:

Table 1 Schedule of 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
Residential development comprising 500 or more dwellings	£0	£0	£0
Supermarkets	£150		
Retail Warehouses	£70		
Neighbourhood Convenience Stores	£15		
All other development	£0		
All charges are £ per sqm			

(Source: CIL Charging Schedule – see Appendix A)

(Please note that residential developments of 500 dwellings or more will continue to meet their infrastructure requirements through S106 planning obligations)

- 4.10 The Community Infrastructure Levy Regulation 2010 (as amended) ("the Regulations") allow for differential rates to be set by geographical zone, by land use, by scale of development or a combination of those approaches. The proposed Charging Schedule utilises all these options (see Appendix B).

- 4.11 Once adopted and published, the Charging Schedule takes effect at the beginning of the day specified in the Charging Schedule. It is proposed that the Charging Schedule comes into effect on 24 April 2015. Any planning applications determined after this date will be liable to pay CIL according to the above respective rates.

CIL Supporting Policies

- 4.12 A number of other policies are required alongside the Charging Schedule for the efficient operation of the CIL regime. These are attached in Appendix C – CIL Supporting Policies and are discussed further below.

CIL Supporting Policies - Regulation 123 List

- 4.13 The CIL Regulations seek to ensure that developers are not charged twice for the same piece of infrastructure, through both CIL and S106 Planning Obligations. The Regulations dictate that unless a Council publishes a list of infrastructure (known as a Regulation 123 List) which sets out the projects / types of infrastructure that can be funded by CIL, then it can no longer enter into any S106 Planning Obligations for any infrastructure. The Regulation 123 List must set out the types of infrastructure that will, or may, be funded in whole, or part, by CIL. If an item, or type, of infrastructure is on the Regulation 123 List, the Council cannot require a S106 to make provision to fund it, as part of approving a planning application.
- 4.14 A Regulation 123 List is produced as part of the CIL Supporting Policies Document (Appendix C). Following the introduction of CIL in Peterborough, the use of Planning Obligations will be significantly scaled back, and, on sites of 500 dwellings or less, planning obligations will only be used in a minority of cases. S106 Planning Obligations will however remain as the main instrument for securing infrastructure on strategic sites of 500 or more dwellings. The Regulation 123 list has been drafted to accommodate this.
- 4.15 The Council consulted on a Draft Regulation 123 List at Draft Charging Schedule Stage. A number of representors commented on the complexity of that list and expressed concerns that there was potential for double counting of planning obligations and CIL. The final Regulation 123 List has been modified and simplified as a result of this, and the examiners proposed modifications. The Regulation 123 List can be amended at any time, subject to appropriate local consultation, as priorities / circumstances change. The Developer Contributions SPD, which is proposed for adoption as part of this report (see paragraphs 4.20 to 4.24 below) provides further detail and clarification on the relationship between CIL and planning obligations. The Developer Contributions SPD has been drafted and consulted on alongside the Regulation 123 List and CIL Charging Schedule.

CIL Supporting Policies – Instalment Policy

- 4.16 The Council can set an Instalment Policy to allow CIL to be paid in Instalments. This is a means of ensuring that the cashflow impacts of CIL (which would otherwise be payable in full for each phase of development within 60 days of commencement on a site) are minimised. The Draft Instalment Policy which was consulted on at Draft Charging Schedule has been modified to bring it into line with the CIL Regulations.

CIL Supporting Policies – Exceptional circumstances relief

- 4.17 The Regulations allow the Council to set an Exceptional Circumstances Policy, which is the only way in which any reduction in a development's CIL payment may be allowed on viability grounds. The CIL Regulations set strict and narrow criteria for Exceptional Circumstances Relief and the Council expects that this policy will be rarely used because the Peterborough CIL rates have been set to take account of viability issues, development costs and full policy requirements.
- 4.18 The CIL Regulations state that relief from paying CIL may be granted "if it appears to the charging authority that there are exceptional circumstances which justify doing so; and the

charging authority considers it expedient to do so.” Further criteria are that relief can only be granted if the development also has a signed S106; if the Council considers that to require payment of the CIL would have an unacceptable impact on the economic viability of a development; and, the relief would not constitute State Aid (where one organisation may only receive 200,000 euros of relief of any type across the whole of the UK within each 3 year rolling period). Of note, the Council is able to remove the policy by simply giving two weeks’ notice, so its use (or ‘misuse’) can be monitored and acted on. A development ceases to be eligible for relief if the site is sold before it commences, or if it does not commence within 12 months.

CIL Supporting Policies – Payments in kind of land or infrastructure

- 4.19 This policy will allow developers to pay either ‘in kind’ with land or to provide infrastructure (listed on the Regulation 123 List) in lieu of a CIL payment, subject to meeting certain criteria laid out in the CIL Regulations. The Council has discretion on whether to accept payment in kind or not.

DEVELOPER CONTRIBUTIONS SPD (Appendix D)

- 4.20 It is important to note that nationally, in accordance with the CIL Regulation 123, from 6 April 2015, limitations on pooling contributions from S106 come into effect. In effect this means that tariff based systems for collecting financial contributions via S106, such as the Planning Obligations Implementation System (POIS) currently operated by the Council, become unlawful after 6 April 2015. The CIL has been introduced to replace such tariff based systems. The POIS SPD will need to be revoked as a result.
- 4.21 However, although CIL will replace the pooling of S106 planning obligations, S106 obligations will still play an important on-going site specific role. They will still 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 site-specific requirement to be secured through S106 obligations.
- 4.22 In line with National Planning Practice Guidance, the Council must ensure there is clarity about the Council’s infrastructure needs and what developers will be expected to pay for through which route (CIL or S106). There should be no actual or perceived ‘double dipping’ with developers paying twice for the same item of infrastructure.²
- 4.23 The future relationship between S106 and CIL in Peterborough is set out clearly in the Council’s Developer Contributions Supplementary Planning Document (SPD) (Appendix D). A Draft Version of this SPD was consulted on alongside the Draft CIL Charging Schedule. The consultation received a total of 7 responses. These responses are summarised in the Developer Contributions SPD Statement of Public Participation (Appendix E). The main issues raised were over better clarity on what infrastructure would still be required under planning obligations and some concerns about double counting. These comments have been addressed in the final version of the revised SPD for adoption.
- 4.24 A copy of the Developer Contributions SPD is provided at Appendix D. The revised SPD will need to be brought into effect on 24 April 2015, the same day as the CIL Charging Schedule. The POIS SPD will need to be revoked on the same date.

FINANCIAL AND GOVERNANCE IMPLICATIONS

- 4.25 The Council presently receives financial contributions for infrastructure through its POIS. The Council received £436,146 in 2010/11, £2,467,890 in 2011/12 and £226,436 in 2012/13 through POIS. Failure to introduce a CIL will mean that this source of income for infrastructure delivery will be lost after restrictions on the use of Section 106 come into force on 6 April 2015.

² NPPG095; see also NPPG Planning Obligations para.2

- 4.26 Based on projected levels of development it is expected that the CIL will generate an income of approximately £18/£19m in the period 2015/16 to 2031, roughly £1.1m per year. While this will not provide funding for all the infrastructure needed to support development (the Council's Infrastructure Delivery Study 2014 estimates an infrastructure funding gap of between £519 and £852 million) the CIL will be an important funding source which will help to contribute to the sustainable development of Peterborough.
- 4.27 Once raised, CIL must be spent on supporting development by funding the provision, improvement, replacement, operation or maintenance of infrastructure.
- 4.28 It will take some time for significant amount of CIL to accumulate. This is because developments will only be liable for CIL from the effect date, 24 April 2015, and CIL is not payable until development commences on site – which in many cases can be months or years.
- 4.29 Decisions on expenditure of CIL will need to be made with regard to the Council's wider decision making structures, and will likely be aligned with the Council's Capital Programme. Officers are currently working on detailed governance arrangements for decisions on expenditure of CIL. This will be the subject of a future report to Cabinet.

Neighbourhood CIL

- 4.30 CIL Regulations dictate that a Neighbourhood Proportion is passed on to local communities where development has taken place. This proportion to be passed on is highlighted in the table below:

CIL Revenue split	Proportion of total CIL where development has taken place
Neighbourhood Proportion – no Neighbourhood Plan	15% - capped at £100 per existing council tax dwelling
Neighbourhood Proportion - adopted Neighbourhood Plan	25% - uncapped

- 4.31 Where development happens in a Parish Council area the neighbourhood proportion will be transferred to that Parish Council, in accordance with the CIL Regulations³, unless otherwise agreed in writing. If there is no development in a Parish then there is no neighbourhood proportion.
- 4.32 Unparished areas (usually wards in urban areas) will not hold CIL funds. In such areas the Council will retain the 15% - 25% of Levy receipts but will engage with the communities where development has taken place and agree with them how best to spend that neighbourhood funding. Officers are currently working on detailed governance arrangements for decisions on expenditure of the Neighbourhood Proportion in unparished areas. This will be the subject of a future report to Cabinet.

Administration

- 4.33 The costs of CIL administration and on-going implementation are capable of being met through the levy itself. The Regulations allow local authorities to spend up to 5% of their total levy receipts on administrative expenses. Where the authority spends less than its allowance on administrative expenses, it must transfer the remaining allowance for receipt on capital infrastructure projects. It is proposed that the Council retains 5% of the levy for administrative expenses.
- 4.34 A recommendation has been included to require information on CIL liability as part of the local validations requirements for planning applications has been included to help with the smooth operation of the administration process

³ In accordance with Regulation 59D the charging authority must make payment in respect of the CIL it receives from 1st April to 30th September in any financial year to the Parish Council by 28 October that financial year; and, any payment in respect of CIL it receives from 1 October to 31 March in any financial to the Parish Council by 28th April the following year.

Monitoring and Review

- 4.35 The CIL Regulations prescribe monitoring requirements⁴, including in relation to receipts, balance and expenditure. It is intended that these monitoring requirements will be reported through the Authorities Monitoring Report which monitors the implementation of the Councils planning policies and is currently published on an annual basis.
- 4.36 Once the Charging Schedule takes effect, it has effect until the Council determines that it should cease to have effect⁵.

Implementation of the Community Infrastructure Levy – Amendments to the Constitution

- 4.37 As the Community Infrastructure Levy (CIL) is a new addition to the Council's Major Policy Framework, at present there are no references to CIL within the Council's Constitution. There is reference to planning obligations and section 106 agreements within the Constitution. As CIL is a separate legal entity and has a different operational and regulatory framework it is necessary to ensure that the necessary amendments are made to the Council's Constitution.
- 4.38 The proposed additions and amendments to the Council's Constitution are set out at Appendix F to this report.

5. REASONS FOR RECOMMENDATIONS

- 5.1 Government has introduced changes to the way developer contributions can be collected and spent. Charging Authorities have the option of adopting a CIL. 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. ALTERNATIVE OPTIONS CONSIDERED

- 6.1 The option to not adopt a CIL has been considered and rejected. There are limited genuine alternatives to adopting the CIL Charging Schedule. Although CIL is not a statutory requirement, authorities without a charging schedule from April 2015 will generally not be able to take into account as a reason for approval pooled contributions towards strategic infrastructure. There is no option to amend the Charging Schedule without doing further research and going through the consultation and adoption process again.

7. IMPLICATIONS

- 7.1 **Legal Implications** – The proposed documentation have been prepared in accordance with the regulations and statutory guidance issued by national government. There are legal implications relating to the implementation, monitoring and enforcement of the CIL once adopted and implemented.
- 7.2 **Financial Implications** – This has been dealt with at paragraphs 4.25 – 4.33 above.
- 7.3 **Human Resources** – CIL can be delivered within existing resources. The S106 team, in the Development and Construction team will assume responsibility for the collection of CIL and the administration of the collection process, with support from Planning Administration. The revocation of POIS should free up the resource to do this. Existing planning software will be used for CIL administration.

⁴ Regulation 62(4) of the CIL Regulations 2010 (as amended)

⁵ Regulation 28(3) of the CIL Regulations 2010 (as amended)

- 7.4 The Sustainable Growth Strategy team will be responsible for putting a decision making processes in place (Governance arrangements) in relation to prioritisation of infrastructure projects and CIL spend. This will be the subject of a future report to Cabinet.
- 7.5 **Equality & Diversity** – The changes will have a positive impact on our customers and help to ensure continued investment in infrastructure considered *critical to maintaining and creating sustainable communities*.

8. **NEXT STEPS**

- **15 April 2015** - Full Council Meeting for formal Adoption of CIL Charging Schedule
- **24 April 2015** – Implementation of CIL Charging Schedule

9. **APPENDICES**

- Appendix A: Examiners Report into the Peterborough Draft CIL Charging Schedule
- Appendix B: Peterborough City Council CIL Charging Schedule
- Appendix C: Peterborough City Council CIL Supporting Policies
- Appendix D: Peterborough City Council Developer Contributions SPD
- Appendix E: Draft Developer Contributions SPD Statement of Public Participation
- Appendix F: Changes to the Council's Constitution
- Appendix G: The Community Infrastructure Levy in Peterborough: Frequently Asked Questions

**Appendix A – Examiners Report into the Peterborough Draft CIL
Charging Schedule**



Report to Peterborough City Council

by William Fieldhouse BA (Hons) MA MRTPI

an Examiner appointed by the Council

Date: 16 February 2015

PLANNING ACT 2008 (AS AMENDED)

SECTION 212(2)

REPORT ON THE EXAMINATION OF THE DRAFT PETERBOROUGH CITY COUNCIL COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULE

Draft Charging Schedule submitted for Examination on 24 October 2014

Examination Hearing held on 27 January 2015

File Ref: PINS/J0540/429/8

Non Technical Summary

This report concludes that, subject to modification, the Peterborough City Council Community Infrastructure Levy Charging Schedule provides an appropriate basis for the collection of the levy in the City. The Council has sufficient evidence to support the schedule and can show that the levy is set at a level that will not put the overall development of the area at risk.

Three modifications are needed to meet the statutory requirements. These can be summarised as follows:

- Amend the definition of "strategic residential sites" to make it clear that this relates to all developments comprising 500 or more dwellings.
- Amend the charging rate for developments comprising 500 or more dwellings from £15 to £0.
- Omit reference to 500 sq m in the names of the three types of residential development that are subject to a charge, and include a fuller definition of these uses as footnotes to the schedule.

The specified modifications recommended in this report are based on matters discussed during the public hearing sessions and do not significantly alter the basis of the Council's overall approach or the appropriate balance achieved.

Introduction

1. This report contains my assessment of the Peterborough City Council Community Infrastructure Levy (CIL) Draft Charging Schedule in terms of Section 212 of the Planning Act 2008. It considers whether the schedule is compliant in legal terms and whether it is economically viable as well as reasonable, realistic and consistent with national policy and guidance¹.
2. To comply with the relevant legislation the local charging authority has to submit a draft charging schedule that sets an appropriate balance between helping to fund necessary new infrastructure and the potential effects on the economic viability of development across the area. The basis for the examination, on which hearings sessions were held on 27 January 2015, is the submitted schedule dated August 2014 which is effectively the same as the document published for public consultation during August and September 2014.
3. The Council proposes a matrix approach with differential rates by geographical zones and the number of units for residential development; differential rates by

¹ The National Planning Policy Framework 2012 (NPPF) and Planning Practice Guidance: *Community Infrastructure Levy ID25 (PPG)*.

the intended use for certain types of retail development; and a nil charge for all other development. The proposed rates are as follows:

<i>Development Type</i>	<i>Charging Zone</i>		
	<i>High</i>	<i>Medium</i>	<i>Low</i>
Market housing on sites < 15 units	140	120	100
Market housing on sites 15 units or more	70	45	15
Apartments on sites < 15 units	70	45	15
Strategic sites (500 or more dwellings)	15	15	15
Supermarkets (500m ² or more)	150		
Retail warehouses (500m ² or more)	70		
Neighbourhood Convenience Stores (<500m ²)	15		
All other development	0		
All charges are £ per m ²			

Is the Charging Schedule Supported by Background Documents Containing Appropriate Available Evidence?

Infrastructure Planning Evidence

4. The Peterborough Core Strategy was adopted in February 2011; the Site Allocations Development Plan Document in April 2012; the Planning Policies Development Plan Document in December 2012; the Planning Policies Map Development Plan Document in December 2012²; and the City Centre Development Plan Document in December 2014. Together these documents comprise the relevant parts of the statutory local plan for the City.
5. The local plan sets out the main elements of growth that will need to be supported by further infrastructure in the City up to 2026. The vision is for a bigger and better Peterborough that grows through truly sustainable development³ based on a settlement hierarchy which has at its top the existing urban area and proposed urban extensions⁴.
6. The core strategy states that at least 25,500 dwellings should be built. Of these, around 4,300 were expected to be in the city centre⁵, and 20,100 in and adjoining the Peterborough Urban Area, including on an urban extension already underway at Hampton (total 4,100 dwellings), and new extensions at Norwood (2,300 dwellings) and Great Haddon (5,350 dwellings)⁶. On all developments comprising 15 or more dwellings, 30% of new homes should be affordable⁷. Higher than nationally-prescribed levels of performance against the Code for Sustainable Homes are encouraged⁸.

² Inset 2 of the PPMDDP was updated in December 2014 to reflect the adoption of the CCDPD.

³ Core Strategy paragraph 3.0.1.

⁴ Core Strategy policy CS1.

⁵ A slight downward adjustment made in the CCDPD.

⁶ Core Strategy Table 2 and policies CS2 and CS5, and SADPD policy SA1.

⁷ Core Strategy policy CS8.

⁸ Core Strategy policy CS10.

7. Between 93,000 m² and 98,000 m² of additional comparison retail floorspace is envisaged, along with 5,000 m² to 7,000 m² convenience retail floorspace with a focus on the City Centre along with appropriate provision within urban extensions⁹. Higher than nationally-prescribed levels of performance against BREEAM are encouraged¹⁰.
8. New development should be supported by and have good access to infrastructure, with planning conditions and obligations being used to ensure that there is, or will be, sufficient infrastructure capacity to meet all the requirements arising from the development and to mitigate any impact on existing community interests within environmental limits¹¹.
9. The Council has published a number of documents over the last few years setting out the infrastructure and investment required to deliver the local plan¹². The Infrastructure Delivery Schedule dated August 2014 (IDS) sets out the latest position. It includes specific infrastructure projects in a number of thematic categories, along with cost estimates and an indication of the likely timing of delivery and whether funding may be required from CIL and / or planning obligations. The IDS estimates a total maximum infrastructure cost of £1.08 billion, including for transport (£508 million); utilities and services (£225 million); skills and education (£207 million); community facilities (£107 million); and environmental sustainability (£31 million).
10. Having regard to currently committed funding sources, the IDS estimates that there remains a funding gap of up to around £850 million. Whilst contributions may be forthcoming from the Regional Growth Fund, Housing Growth Fund, New Homes Bonus, Local Transport Plan, loan funding, and prudential borrowing, there is no evidence to suggest that such sources will be anywhere near adequate to deliver the necessary infrastructure in the foreseeable future. Given the current state of public sector finances I have no reason to conclude otherwise.
11. In the context of the Council's draft Regulation 123 list and guidance¹³, financial contributions through planning obligations are expected to continue to fund some types of infrastructure. The Council estimates the potential for such revenue to be just over £60 million in the period to 2026. Given that financial contributions from planning obligations in recent years have ranged from around £2.5 million in 2010 to around £6 million in 2012¹⁴, such an estimate is not unreasonable and, if anything, may be on the high side given that certain types of infrastructure will no longer be funded by such means.

⁹ Core Strategy paragraph 6.9.6 and policies CS4, CS5 and CS15, and PDPD policy PP9.

¹⁰ Core Strategy policy CS10.

¹¹ Core Strategy policies CS12 and CS13.

¹² Integrated Development Plan (2009); Local Investment Plan (2011); and Infrastructure Delivery Schedule (2012 and 2014).

¹³ Draft Developer Contributions Supplementary Planning Document (August 2014).

¹⁴ Draft Charging Schedule Supporting Document (August 2014) Appendix B Table B1.

Conclusion about the Infrastructure Planning Evidence

12. Therefore, having regard to other potential funding sources, including planning obligations, it is clear that a significant funding gap of several hundred million pounds remains. The proposed CIL charging rates are estimated to generate a total of around £29 million between 2015 and 2031¹⁵. This would make a modest, but significant, contribution to filling the anticipated funding gap.

Economic Viability Evidence

13. A CIL Study undertaken on behalf of the City Council in 2012¹⁶ formed the basis of the Preliminary Draft Charging Schedule published for consultation in November 2012. In response to representations made about that preliminary draft, a further viability study (VS) was carried out to inform the Draft Charging Schedule¹⁷. Following consideration of representations made in August and September 2014, the VS was supplemented with some additional analysis relating to strategic residential sites, discount retail operators and neighbourhood convenience stores¹⁸. The VS and supplementary analysis, along with some additional information provided by representors which I refer to below, is the main available evidence relating to viability.
14. The VS adopts a standard development appraisal approach similar to that used to inform CIL charging schedules in other local authority areas¹⁹. The values of various types of development were estimated, along with the costs of acquiring the land, construction, external works, fees, contingencies, finance, and planning obligations. Having made an allowance for a reasonable developer's profit, the viability of each type of development was then calculated. The positive difference between development value and the sum of costs and profit was considered to be the maximum potential amount that could be charged as CIL whilst maintaining viability.
15. Different types of residential development were appraised in three different parts of the City based on average house prices in those areas²⁰. The assessments were based on hypothetical sites of 0.25 hectares, 1 hectare, and 5 hectares; apartment developments of 14 units and 0.25 hectares; and the major residential sites at Hampton, Norwood and Great Hampton²¹.
16. For retail development, separate assessments were carried out for "high street comparison retail", "retail warehouses", "supermarkets", "neighbourhood

¹⁵ Draft Charging Schedule Supporting Document (August 2014) paragraphs 4.3.13 and 4.3.14 and Table 2.

¹⁶ Community Infrastructure Study Final Report (Roger Tym and Partners, May 2012).

¹⁷ Community Infrastructure Levy Draft Charging Schedule Viability Study (Peter Brett Associates, April 2014).

¹⁸ Draft Charging Schedule Regulation 19(1)(b) Statement: Report of Draft Charging Schedule Representations (October 2014) Appendices D, E and F.

¹⁹ Draft Charging Schedule Supporting Document (August 2014) paragraph 4.4.6.

²⁰ VS paragraphs 4.2.5 and 4.2.6, Figures 4.1 to 4.4, and Appendix A.

²¹ VS sections 4.6 and 4.7, and Draft Charging Schedule Regulation 19(1)(b) Statement: Report of Draft Charging Schedule Representations (October 2014) Appendix D.

convenience stores", and "discount convenience retail"²².

17. The viability of offices; industrial and warehouse development; education, health and community facilities; and certain sui generis uses was also assessed²³.
18. The methodology used in the VS has not been seriously questioned, and it accords with the principles set out in national Planning Practice Guidance (PPG)²⁴ and well-established good practice²⁵. However, as with any viability model, the outputs (here, the maximum potential CIL rates) are a direct result of the inputs, some of which have been questioned by representors. I deal with these issues below.

VS Assumptions – Charging Zones

19. The boundaries of the three charging zones proposed for residential developments of under 500 dwellings are based on analysis of Land Registry data on actual average sales values of different types of dwellings over a two year period. This was carried out at ward level and provides a reasonable degree of geographical differentiation whilst avoiding statistical anomalies that can arise if smaller areas are analysed due to lower numbers of transactions.

VS Assumptions – Residential Development

20. The assumptions made in relation to the various types of residential development of up to 500 dwellings are detailed in the VS²⁶. The assumptions made for the three strategic residential sites are set out in the Council's response to representations published in October 2014²⁷.
21. Whilst the assumptions for residential developments under 500 dwellings are based on averages, these are derived from data relating to the whole charging area, including villages in the higher demand areas, and a variety of development schemes in terms of scale and types of dwelling. Such an approach is an appropriate manner to assess the viability of development across the area. Furthermore, there is no specific evidence to indicate that the viability of small schemes in popular areas would be threatened, even if the charging rates were to lead to some readjustment of land values.
22. The VS assumes that all types of residential development may continue to make financial contributions by way of planning obligations with averages ranging from £100 per dwelling for small sites (which are not required to contribute to

²² VS paragraphs 5.1.2 and 5.2.7 to 5.2.18, and Draft Charging Schedule Regulation 19(1)(b) Statement: Report of Draft Charging Schedule Representations (October 2014) Appendix E.

²³ VS paragraphs 5.2.1 to 5.2.6 and 5.4.2 to 5.4.6, and sections 6 and 7.

²⁴ PPG ID-25.

²⁵ Viability Testing Local Plans: Advice for Planning Practitioners (Local Housing Delivery Group chaired by Sir John Harman, June 2012).

²⁶ VS section 4.5 and Table 4.1.

²⁷ Draft Charging Schedule Regulation 19(1)(b) Statement: Report of Draft Charging Schedule Representations (October 2014) Appendix D.

affordable housing provision), to a little over £3,000 per dwelling for medium sized schemes, and nearly £17,000 for the large strategic sites. Such assumptions reflect the draft Regulation 123 list and guidance²⁸. Information provided on behalf of housebuilders suggests that the assumption made for strategic sites may be on the generous side²⁹.

23. Build costs may have risen since the VS was carried out, but so too may have other variables, including house prices. It would skew the findings of the study if certain data were to be updated, and it makes sense therefore to have a common base date for all assumptions made.
24. The costs of meeting lifetime homes standards are factored in to the assumptions about likely financial contributions by way of continued use of planning obligations, and, at least to some extent, the cost of achieving standards required by the Code for Sustainable Homes will be reflected in the BCIS data that has, in line with good practice, been used in the study.
25. It is, however, likely that the potential cost of meeting the environmental aspirations of core strategy policy CS10, recent changes to the Building Regulations, and the Government's intended move to zero carbon homes may not be fully reflected in the VS assumptions. That said, no evidence has been presented to indicate what additional costs may be incurred in these respects, and therefore whilst these assumptions may be somewhat on the low side, there is little to indicate that it would make a significant difference to the viability findings.
26. The likely costs of fees, finance, contingencies and external works including on-site roads, drainage and landscaping are all factored in as recommended in advice to practitioners³⁰. Whilst such costs may be higher in some cases, there is no substantive evidence to lead me to conclude that the averages assumed are unreasonably low.
27. The VS assumes developers profits to be 20% for market housing and 6% for affordable housing, the latter reflecting the lower level of risk that remains with such development notwithstanding the fact that there may be difficulties in securing Registered Social Providers for some schemes. Representors at the hearing sessions advised that, particularly for large complex schemes that involve considerable up front costs, developers would expect a higher level of return. However, the VS assumptions are in line with guidance issued by the Homes and Communities Agency and I do not consider them to be unreasonable for the purposes of setting an average for testing viability.
28. The VS assumes a land cost of £250,000 per net developable hectare for sites

²⁸ Draft Developer Contributions Supplementary Planning Document (August 2014).

²⁹ Savills and David Lock Associates agreed at the Hearing that planning obligation contributions for the Great Haddon site were around £14,000 per dwelling.

³⁰ Viability Testing Local Plans: Advice for Planning Practitioners (Local Housing Delivery Group chaired by Sir John Harman, June 2012) pages 34 to 36 and Appendix B.

for over 500 dwellings. It is acknowledged by the Council and representors that this element of the VS presents particular difficulties due to the limited amount of relevant data to inform assumptions. For this reason, the Council took account of three factors in arriving at a figure: confidential information gained during negotiations over planning obligations; transactional values provided by applicants; and an uplift from agricultural land value that would represent a "life changing sum" to the landowner³¹.

29. However, the Council acknowledged at the Hearing that it had information about the value of only five large sites when it determined the figure used in the VS³². Representors have provided evidence of land values relating to a further six large sites in Peterborough and other relevant local districts ranging from £338,000 to £547,000 per net developable hectare³³.
30. I consider this evidence, which was not available at the time of the VS, to be highly relevant and significant. In the light of this, I am of the view that the VS assumption of £250,000 per net developable hectare may be unrealistically low for large sites, and that it would be more appropriate to assume a higher figure in line with the additional available evidence. I will return to the implications of this finding later in this report.

VS Assumptions - Retail Development

31. The VS and supplementary analysis clearly set out the assumptions made for the various forms of retail and other non-residential development that were tested³⁴. These cover the full range of costs likely to be associated with land acquisition, development, residual planning obligations, fees and finance, and include developer profits. There is no specific evidence before me to indicate that, overall, these assumptions fail to represent reasonable inputs to the model which I have already found tested a good range of development types that are representative of those that are likely to come forward in accordance with the local plan.

Conclusion about the Economic Viability Evidence

32. Testing the viability of development across an area is not an exact science³⁵. The Council's evidence is generally based on a reasonable and proportionate approach, and clearly has had regard to good practice derived from experience gained elsewhere as well as relevant sources of data and local information. There is no definitive information to lead me to conclude that the viability evidence in most respects is anything other than appropriate. The one

³¹ Agricultural land value x 15.

³² Mr Whiteley of PBA advised at the Hearing that he had information based on planning obligation negotiations relating to two sites, and actual transactional data from applicants relating to three sites.

³³ Savills representation (September 2014) and David Lock Associates Hearing Statement (January 2015) paragraph 20.2 and footnote 3.

³⁴ VS section 5.3 and Table 5.1, and Draft Charging Schedule Regulation 19(1)(b) Statement: Report of Draft Charging Schedule Representations (October 2014) Appendix E.

³⁵ Viability Testing Local Plans: Advice for Planning Practitioners (Local Housing Delivery Group chaired by Sir John Harman, June 2012) page 18.

exception to this is in relation to the assumed land value for large residential sites which I have found to be unrealistically low.

33. Furthermore, given the inevitable uncertainties that surround the assumptions, and because the costs of some developments may be greater, it is important that the proposed CIL rates are set significantly below the maximum potential rates identified in the VS in order to ensure that the viability of most development is not compromised.

Conclusion on Whether the Draft Charging Schedule is supported by Background Documents Containing Appropriate Available Evidence

34. The draft charging schedule is supported by detailed evidence of community infrastructure needs and the financial viability of development. Other than in respect of the assumption made about land acquisition costs for large sites, the evidence that has been used to inform the draft charging schedule is robust, proportionate and appropriate.

Are the Charging Rates Informed by and Consistent with the Evidence?

Charging Zones

35. The analysis shows that there are clear and marked differences in the average values of various types of dwellings in different parts of the City. This, along with other factors that vary by location, including the likely mix and density of development, have a significant effect on the viability of residential development in the different zones. Differential rates are, therefore, justified for residential developments of up to 500 dwellings in the different charging zones.
36. Representations suggest that the low value zone should be extended to the west to include all of the city centre area defined in the recently adopted DPD. However, differential rates by geographical area have to be based on viability evidence and cannot be used in an attempt to deliver policy objectives³⁶. In this case, the data suggests that the city centre areas to the west of the East Coast railway line and south of the River Nene are within wards with medium value houses. As there is no site-specific justification for adopting a differential approach to these areas, for example in terms of definitive viability evidence or of redevelopment schemes being critical to the delivery of the local plan, it is appropriate to include them in the medium level charging zone.

Proposed Charging Rates for Residential Development of fewer than 500 Dwellings

37. The VS concluded that all forms of residential development comprising fewer than 500 dwellings, other than larger scale apartment developments, in all three areas could viably contribute towards CIL³⁷. Smaller scale developments

³⁶ PPG ID-25-021.

³⁷ VS sections 4.6 and 8.2.

were found to have the greatest degree of viability.

38. The proposed rate for one hectare sites in low value areas represents 71% of the maximum potential rate identified in the VS, whereas none of the other proposed rates for developments of fewer than 500 dwellings represent more than two thirds of the maximum³⁸.
39. The nil rate for apartment developments comprising 15 units or more reflects the VS finding that they could not viably contribute towards CIL.
40. Thus, the proposed rates for all forms of residential development comprising fewer than 500 units provide a significant margin to allow for inevitable variations in the costs and value of particular schemes. They are, therefore, unlikely to threaten the viability of such development.

Proposed Charging Rates for Residential Developments comprising 500 or more Dwellings

41. Given the critical importance of large urban extensions to the delivery of the local plan, it is essential that their viability is not threatened by the introduction of CIL. The Hampton development is underway, and it is quite possible that the Great Haddon site will have planning permission in place shortly. However, the Norwood site will be subject to CIL, and so too would Great Haddon if a planning obligation is not signed before the introduction of CIL (currently expected to be around mid-April 2015), or if a new scheme has to be brought forward for whatever reason. Moreover, whilst no other sites of 500 or more dwellings are allocated in the local plan, it is possible that a large windfall site could come forward at some time in the period to 2026. If that were so it could make a significant contribution to the achievement of the housing growth that the City aspires to.
42. Therefore, it is important that the introduction of CIL is carefully considered in terms of its potential effect on the viability of large scale residential developments. The VS concluded that all three of the strategic sites assessed are viable, with maximum potential CIL rates being £34 at Hampton, £49 at Great Haddon, and £50 at Hampton³⁹, well above the proposed rate of £15. However, whilst most of the assumptions used in the VS are appropriate, I have found the land acquisition cost figure of £250,000 per net developable hectare to be unrealistically low for large sites.
43. In response to the evidence submitted by representors about land values, the Council carried out supplementary analysis based on land value figures of £300,000 and £370,000 per developable hectare. Even on the basis of the lower of these two figures, two of the three sites analysed would become unviable, and if the higher figure is applied none would be viable.

³⁸ Council response to the Examiner's main issues and questions, Table 3.

³⁹ VS sections 4.7 and 8.2.

44. In light of this latest evidence, I recommend that a zero rate be applied for residential developments of 500 dwellings or more in order to ensure that their viability is not compromised **[R1]**.
45. The likely effect of this recommendation would, according to evidence provided by the Council at the Hearing, be to reduce the amount of CIL income by between £2.2 million and £2.5 million. This is not an insignificant amount, but is one that would certainly not render the introduction of the levy a futile exercise given that it represents under 10% of the estimated total CIL income.
46. This recommendation would address the concerns of a number of representors, and is one that the Council has stated that it would not be wholly adverse to if I were to find the viability evidence to be finely balanced which indeed is the case.
47. I am aware that this recommended change may not address the concerns expressed by one representor in relation to future extensions to the Hampton scheme. However, the way in which such extensions are treated in terms of CIL is an implementation issue for the Council to address if and when it becomes necessary, rather than a matter that requires or justifies any alteration to the draft charging schedule. This is because it would not be likely to compromise the delivery of the majority of the allocated site or the overall housing growth objectives of the local plan.
48. Finally on this issue, I consider it necessary to make one further change to the draft charging schedule in respect of large scale residential development. The Council confirmed at the hearing that the category entitled "strategic sites (500 dwellings or more)" is intended to set a differential rate by reference to the number of dwellings, and is not meant to apply only to the "strategic sites" identified in the core strategy. Such an approach is in accordance with the Regulations, and therefore, in the interests of clarity, I recommend that the term "strategic sites" be deleted from the draft schedule **[R2]**.

Proposed Charging Rates for Retail Development

49. The viability evidence⁴⁰ concludes that supermarkets (including for typical discount operators), retail warehouses, and neighbourhood convenience stores are all viable, whereas high street comparison retail development could not viably contribute towards CIL.
50. The VS found the maximum potential CIL rate for supermarkets to be £214, whereas further assessment found that for discount convenience retail developments the potential rate is £201⁴¹. The proposed charging rate of £150

⁴⁰ VS paragraphs 5.4.1, 5.4.7 to 5.4.14 and 8.3.1, and Draft Charging Schedule Regulation 19(1)(b) Statement: Report of Draft Charging Schedule Representations (October 2014) Appendix E.

⁴¹ Draft Charging Schedule Regulation 19(1)(b) Statement: Report of Draft Charging Schedule Representations (October 2014) Appendix E.

represents 75% of the lower figure.

51. The VS found that the maximum potential CIL rate for neighbourhood convenience stores is £22, whereas further assessment found it to be £39⁴². The proposed charging rate of £15 represents less than 70% of the lower figure.
52. The VS found that the maximum potential CIL rate for retail warehouses is £105. The proposed charging rate of £70 represents two thirds of this figure.
53. Thus, the proposed charging rates all provide a significant margin of 25% or more to allow for inevitable variations in the costs and value of particular retail developments. They are therefore, unlikely to threaten the viability of retail development across the City.
54. The draft charging schedule names the categories of retail development that are to be subject to CIL by reference to both type of use and amount of floorspace. However, the Council's evidence makes it clear that the differential rates are intended to be strictly by reference to the proposed use of the development, based on the definitions set out in the VS⁴³, and this was confirmed at the hearing session. The definitions of the uses include consideration of size, but this is just one factor that needs to be taken into account, others including the types of goods sold, location, and car parking arrangements.
55. The PPG makes it clear that the definition of "use" for the purpose of CIL is not tied to the Town and Country Planning (Use Classes) Order 1987⁴⁴. I am satisfied, on the basis of the definitions set out in the VS, that these are quite clearly distinguishable retail uses meaning that it is appropriate to levy differential rates given the viability evidence. However, for the sake of clarity, I recommend that the references to 500 sq metres are deleted from the names of the three types of retail development, and that definitions of these intended uses are included as footnotes to the charging schedule. These definitions should be taken from the VS **[R3]**.

Proposed Nil Rate for All Other Development

56. The VS found that all of the other forms of development assessed could not viably contribute towards CIL. This has not been challenged by representors, and I have seen no evidence to lead me to a different conclusion. Accordingly, the nil charge for all other types of development is justified.

Conclusion on Whether the Proposed Charging Rates are Informed by and Consistent with the Evidence

57. For the reasons given above, and with the exception of their application to

⁴² Draft Charging Schedule Regulation 19(1)(b) Statement: Report of Draft Charging Schedule Representations (October 2014) Appendix E.

⁴³ VS paragraph 5.1.2.

⁴⁴ PPG ID-25-022.

residential development of 500 or more dwellings, the proposed charging rates are clearly informed by, and consistent with, the evidence relating to community infrastructure needs and the viability of development across the City as set out in the local plan.

Does the Evidence Demonstrate that the Proposed Charge Rate would not put the Overall Development of the Area at Serious Risk?

58. The Council's decision to set differential rates by geographical zones and the number of units for residential development and differential rates by the intended use for certain types of retail development is based on reasonable assumptions about development values and likely costs. The evidence suggests that most residential and retail development will remain viable across the City if the charges are applied. Only if the assumptions used in the VS prove to be significantly wide of the mark, an eventuality which has not been shown to be likely by the evidence before me other than in relation to large scale residential development, would development across the City be made unviable by the proposed charging rates.

Other Matters

59. A number of other matters have been raised by representors. However, the Council's approach to implementation, including in terms of phased payments, payments in kind, exemptions, exceptional circumstances relief, and where CIL revenue is spent are all matters for the Council to make decisions about, in the context of relevant legislation and guidance, and there is no evidence to suggest that they would materially alter my findings in relation to viability.

60. In so far as it is relevant to my considerations regarding the funding gap and viability, I have had regard to the Regulation 123 list. However, it is not for me to advise on what is or is not included in that document, or indeed in other documents that the Council is intending to publish alongside the final version of the charging schedule with the aim of ensuring that the system is well understood by all interested parties and operates fairly and efficiently without any double dipping. I note, however, that in preparing these documents the Council has attempted to respond appropriately to all concerns raised throughout the various stages of consultation and testing that the draft charging schedule has been subject to, an approach that can only be commended.

61. No other matters raised in the representations affect my overall assessment or conclusion.

Legal Requirements

62. I am satisfied that the draft charging schedule complies with national policy and guidance. The requirements of the 2008 Planning Act and 2010 Regulations (as amended), including in respect of the statutory processes and public consultation, financial appraisal, and consistency with the adopted local plan

and IDS, have been complied with.

Conclusion

63. All legal and procedural requirements have been met.
64. In setting the CIL charging rate the Council has had regard to detailed evidence on infrastructure planning and the economic viability evidence of the development market in different parts of the City. The Council has tried to be realistic in terms of achieving a reasonable level of income to address an identified gap in infrastructure funding, while ensuring that a range of development remains viable across the area. Subject to my recommendation with regard to large residential schemes, only development that has been shown to be viable will be charged, and the rates are set well below the maximum potential rates identified in the VS.
65. Therefore, my conclusion is that an appropriate balance has been struck between the desirability of CIL helping to fund the infrastructure needed to support the development of the City and the potential effects (taken as a whole) on the economic viability of that development.
66. Given the uncertainties that inevitably surround the future value of land, and the costs and values of various forms of development, the Council should actively monitor the effects of CIL to ensure that it has an overall positive economic impact and helps to deliver development and necessary infrastructure as set out in the local plan over the coming years.
67. I conclude that, subject to the modifications set out in Appendix A, the Peterborough Community Infrastructure Levy Charging Schedule satisfies the requirements of Section 212 of the 2008 Act and meets the criteria for viability in the 2010 Regulations (as amended). I therefore recommend that the draft charging schedule be approved subject to three modifications.

William Fieldhouse

Examiner

This report is accompanied by Appendix A – modifications that the examiner specifies so that the charging schedule may be approved.

APPENDIX A**Recommended Modifications to the Draft Charging Schedule**

R1. Amend the proposed rates for "strategic sites (500 dwellings or more)" from £15 to £0.

R2. Delete reference to "strategic sites (500 dwellings or more)" and replace it with "Residential development comprising 500 or more dwellings".

R3. Delete reference to 500 sq metres from the names of the three types of retail development, and include definitions of those three intended uses, based on those set out in paragraph 5.1.2 of the Viability Study, as footnotes to the charging schedule.

The effect of these three recommendations would be to create a charging schedule that reads as follows:

<i>Development Type</i>	<i>Charging Zone</i>		
	<i>High</i>	<i>Medium</i>	<i>Low</i>
Market housing on sites < 15 units	140	120	100
Market housing on sites 15 units or more	70	45	15
Apartments on sites < 15 units	70	45	15
Residential development comprising 500 or more dwellings	0	0	0
Supermarkets*	150		
Retail warehouses**	70		
Neighbourhood convenience stores***	15		
All other development	0		
All charges are £ per m ²			

* Supermarkets are large convenience-led stores where the majority of custom is from people doing their main weekly food shop. As such, they provide a very wide range of convenience goods, often with some element of comparison goods. In addition to this, the key characteristics of the way a supermarket is used include the area used for sales of goods generally being above 500 sq m; the majority of customers using a trolley to gather a large number of products; the majority of customers accessing the store by car using the large adjacent car park provided; and servicing being undertaken via a dedicated service area rather than from the street.

** Retail warehouses are usually large stores specialising in the sale of household goods (such as carpets, furniture and electrical goods), DIY items and other ranges of goods. They can be stand-alone units, but are also often developed as part of retail parks. In either case, they are usually located outside of existing town centres and cater for mainly car-borne customers. As such, they usually have large adjacent dedicated surface parking.

***Neighbourhood convenience stores are used primarily by customers undertaking "top-up" shopping. They sell a limited range of convenience goods and usually do not sell comparison goods. The key characteristics of their use include trading areas of less than 500 sq m; the majority of customers buying only a small number of items that can be carried around the store by hand or in a small basket; the majority of customers accessing the store on foot and as such there is usually little or no dedicated parking; and servicing being undertaken from the street rather than from dedicated service areas.

**Appendix B – Peterborough Community Infrastructure Levy
Charging Schedule**



Peterborough City Council

Community Infrastructure Levy Charging Schedule

April 2015

Peterborough City Council

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Peterborough City Council Community Infrastructure Levy Charging Schedule

Peterborough City Council, as the local Planning Authority, is the Charging Authority and will also be the Collecting Authority. This Charging Schedule comes into force on 24/04/2015.

Liability to Pay CIL

A chargeable development is one for which planning permission is granted and which is liable to pay CIL in accordance with the Regulations.

Schedule of Rates

Peterborough City Council is proposing to charge CIL in respect of development at the following 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
Residential development comprising 500 or more dwellings	£0	£0	£0
Supermarkets*	£150		
Retail Warehouses**	£70		
Neighbourhood Convenience Stores***	£15		
All other development	£0		
All charges are £ per sq m			

* Supermarkets are large convenience-led stores where the majority of custom is from people doing their main weekly food shop. As such, they provide a very wide range of convenience goods, often with some element of comparison goods. In addition to this, the key characteristics of the way a supermarket is used include the area used for sales of goods generally being above 500 sq m; the majority of customers using a trolley to gather a large number of products; the majority of customers accessing the store by car using the large adjacent car park provided; and servicing being undertaken via a dedicated service area rather than from the street.

** Retail warehouses are usually large stores specialising in the sale of household goods (such as carpets, furniture and electrical goods), DIY items and other ranges of goods. They can be stand-alone units, but are also often developed as part of retail parks. In either case, they are usually located outside of existing town centres and cater for mainly car-borne customers. As such, they usually have large adjacent dedicated surface parking.

***Neighbourhood convenience stores are used primarily by customers undertaking “top-up” shopping. They sell a limited range of convenience goods and usually do not sell comparison goods. The key characteristics of their use include trading areas of less than 500 sq m; the majority of customers buying only a small number of items that can be carried around the store by hand or in a small basket; the majority of customers accessing

the store on foot and as such there is usually little or no dedicated parking; and servicing being undertaken from the street rather than from dedicated service areas.

How will the Chargeable Amount be Calculated?

CIL charges will be calculated in accordance with CIL Regulation 40 (as amended). The chargeable amount will be equal to the aggregate of the amounts of CIL chargeable at each of the relevant rates as set out in this charging schedule.

The chargeable amount will be index linked using the Royal Institution of Chartered Surveyors' All-in Tender Price Index figures for the year in which the planning permission is granted and the year in which this charging schedule took effect.

Date of Approval

This charging schedule was approved on 15/04/2015 (tbc)

Date of Effect

This charging schedule will take effect on 24/04/2015 (tbc)

Peterborough City Council Community Infrastructure Levy Charging Zones

310,000

300,000

N

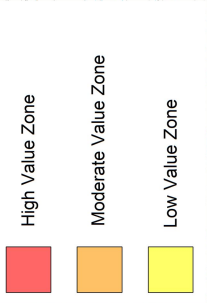
290,000

530,000

520,000

510,000

500,000



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**Appendix C – Peterborough Community Infrastructure Levy
Supporting Policies**

Peterborough City Council

Community Infrastructure Levy Supporting Policies

April 2015

Peterborough City Council

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1. Introduction

- 1.1 This document provides the Community Infrastructure Levy (CIL) policies relating to the operation of the CIL which have been left to the discretion of the Charging Authority, Peterborough City Council.
- 1.2 The CIL Charging Schedule was examined in January 2015 and found sound in the Examiners' report, published on 16 February 2014.
- 1.3 Peterborough City Council is the CIL collecting authority in respect of the area in which it grants planning permission.
- 1.4 FAQs, forms and other supporting information can be found on the Peterborough City Council website and from the planning portal website;
- Background and Examination - http://www.peterborough.gov.uk/planning_and_building/planning_policy/planning_policy_framework/community_infrastructure_levy.aspx
 - Administration and collection - http://www.peterborough.gov.uk/planning_and_building/planning_permission/apply_for_planning_permission/cil_administration_and_collect.aspx
 - Planning portal - www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil
- 1.5 More detailed queries about the operation of policies contained in this document should be directed to the Councils Planning Obligations Officer – planningobligations@peterborough.gov.uk or 01733 453509

2. Peterborough City Council Community Infrastructure Levy Regulation 123 List of Infrastructure

2.1 The Draft Regulation 123 list, as set out below, defines which projects and/or types/sections of infrastructure that the council will, or may, fund in whole or part through CIL revenues. In accordance with Regulation 123, developer contributions to the infrastructure listed below will not be sought through planning obligations.

2.2 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, subject to Council priorities and the levels of available CIL funding.

2.3 The Regulation 123 List takes effect on 24/04/2015.

2.4 Infrastructure types and/or projects that will, or may, be funded in whole or in part by CIL (subject to Council approval):

Strategic / city wide impact transport projects (excluding specific improvements necessary to make a development acceptable in planning terms)
Education facilities*
Health facilities*
Indoor Sports and recreation facilities*
Library, museum and life-long learning facilities*
Waste Management infrastructure*
Emergency services*
Strategic Open Space
Strategic flood risk management schemes (excluding flood risk measures required to facilitate the alleviation of flood risk in relation to a development site)
Public realm
Crematorium and burial grounds
* excluding where requirements are directly related to residential development comprising 500 dwellings or more

3. Peterborough Community Infrastructure Levy Instalment Policy

3.1 Peterborough City Council as Charging Authority for its area will permit the payment of CIL liability by instalment in accordance with Regulation 69B of the Community Infrastructure Levy Regulations 2010 (as amended).

3.2 This Instalment Policy will take effect on 24/04/2015 (tbc).

3.3 As permitted under Regulation 9(4) of the Community Infrastructure Levy Regulations 2010 (as amended), where outline permission has been granted which permits development to be implemented in phases, each phase of the development as permitted by Peterborough City Council is a separate chargeable development, and the Instalment Policy will therefore apply to each chargeable development and the associated separate chargeable amount.

Chargeable amount	Number of Instalments	Amount or proportion of CIL payable in any instalment/time at which payments are due
£75,000 or less	1	Total amount payable within 180 days of commencement of development
£75,001 - £500,000	3	Instalment 1: 25% of full payment within 60 days of commencement date Instalment 2: 50% of full payment within 360 days of commencement date Instalment 3: 25% of full payment within 540 days of commencement date
£500,001 or more	4	Instalment 1: 25% of full payment within 60 days of commencement Instalment 2: 25% of full payment within 360 days of commencement Instalment 3: 25% of full payment within 540 days of commencement Instalment 4: 25% of full payment within 720 days of commencement

CIL Instalment Policy Advice

3.4 The requirements set out in Regulation 70 of the CIL Regulations must be complied with if the persons liable for paying CIL wish to do so by instalment, in accordance with this published Instalment Policy.

3.5 This Instalment Policy only applies where:

1. The council has received a CIL Assumption of Liability form prior to the commencement of the chargeable development (Regulation 70(1)(a)); and,
2. The council has received a CIL Commencement Notice prior to commencement of the chargeable development (Regulation 70(1)(b)) and the council does not challenge the date of commencement specified.

3.6 If the above requirements are not met, the CIL liability is payable in full at the end of the period of 60 days beginning with the intended commencement date of the chargeable development.

- 3.7 Where the above requirements have been met, instalment payments must be made in accordance with this Instalment Policy. Where an instalment is not received in full on or before the day on which it is due, the unpaid balance of the CIL liability becomes payable in full immediately (Regulation 70(8)(a)).
- 3.8 To summarise, in order to be eligible to pay a CIL liability by instalment, all the relevant forms must be submitted to the Council prior to the commencement of the chargeable development, and all the payments must be made in accordance with this CIL Instalment Policy and Regulatory requirements.

4. Peterborough Community Infrastructure Levy Payment in Kind Policy – Land and Infrastructure

4.1 In accordance with Regulations 73, 73A, 73B and 74 of the Community Infrastructure Levy Regulations 2010 (as amended), Peterborough City Council, as the charging authority for the area, will allow the payment of CIL by land payments or infrastructure payments.

4.2 This policy is effective from the day the Peterborough CIL Charging Schedule comes into effect, 24 April 2015.

Paying CIL in the form of land

4.3 In certain circumstances it will be possible to pay some or the entire CIL amount in the form of land. This will be dependent on certain conditions:

1. The Council agree to the transfer of land as part or whole payment of the CIL.
2. The land can be used to provide infrastructure to support the development of the area.
3. The applicant must have assumed liability to pay CIL.
4. The value of the land to be transferred must have been determined by a suitably qualified independent person agreed by the Council. The valuation must represent a fair market value for the land on the day it was valued.
5. Where the payment of CIL by land provision is considered acceptable the Council will enter into an agreement with the liable party(ies) prior to the development commencing. The Council must be satisfied that the criteria in Regulation 73 have been met.
6. The agreement cannot form part of a planning obligation within a S106 Agreement.

Paying CIL in the form of infrastructure

4.4 In certain circumstances it will be possible to pay some or the entire CIL amount in the form of infrastructure. This will be dependent on certain conditions:

1. The infrastructure to be provided must be related to the provision of those projects listed in the Council's Regulation 123 list.
2. The applicant must have assumed liability to pay CIL.
3. The value of the infrastructure to be transferred must have been determined by a suitably qualified independent person agreed by the Council who will ascertain the cost to the provider including any design related costs. The valuation must represent a fair market value for the infrastructure on the day it was valued.
4. Where the payment of CIL by infrastructure provision is considered acceptable the Council will enter into an agreement with the liable party(ies) prior to the development commencing. This agreement must include the information specified in Regulation 73A.
5. The agreement cannot form part of a planning obligation within a S106 Agreement.

4.5 The Council is not obliged to accept any offer of payment in kind by land or infrastructure.

4.6 Please see the Community Infrastructure Levy Regulations 2010 (as amended), for the full details relating to payment in kind.

- 4.7 Before submission of an application liable parties are encouraged to discuss proposals with the Council's S106 Officer to establish if the principle of 'payment in kind' is suitable – planningobligations@peterborough.gov.uk or 01733 453509.
- 4.8 Where the Council accepts land and/or infrastructure as 'payment in kind' the equivalent Neighbourhood Fund (25% where there is a formal Neighbourhood Plan or within a Neighbourhood Development Order; or 15% where there is no Neighbourhood Plan, capped at a maximum of £100 per council tax dwelling) must still be paid to the local community as a financial payment.

5. Peterborough City Council Community Infrastructure Levy Exceptional Circumstances Relief Statement

- 5.1 In accordance with Regulation 55 of the Community Infrastructure Levy Regulations 2010 (as amended), Peterborough City Council, as the charging authority for the area, gives notice that exceptional circumstances relief is available in the Council's administrative area.
- 5.2 This will be effective from the day the Peterborough CIL Charging Schedule comes into effect on 24 April 2015.
- 5.3 Anyone wishing to claim relief for exceptional circumstances must follow the procedures set down in Regulations 55 – 58 of the Community Infrastructure Levy Regulations 2010 (as amended), and any relief given must be in accordance with the procedures in the Regulations and must not constitute state aid.
- 5.4 Relief claims must take place after planning permission is granted but before development has commenced. Any claim will include funding the appointment of an independent person with appropriate qualifications and experience to undertake a viability study who, before appointment, must be agreed as an appropriate person by the Council.
- 5.5 In summary, in order to qualify for exceptional circumstances relief, the Regulations require:
- that a planning obligation has been entered into in respect of the planning permission which permits the chargeable development;
 - the claim to be submitted in writing on the appropriate form, this must also be sent to any other owners or holders of a material interest in the land;
 - an assessment to be carried out by an independent person of the economic viability of the chargeable development. An independent person is one who has appropriate qualifications and experience and who is appointed by the claimant with the agreement of the council;
 - an explanation of why, in the opinion of the claimant, payment of the chargeable amount would have an unacceptable impact on the economic viability of that development;
 - proof that the relief would not constitute state aid; and,
 - other required information about apportionment assessment if appropriate and declarations as required by the regulations.
- 5.6 Please note that this note is not intended to be a definitive interpretation of the legislation or CIL Regulations and applicants are advised to seek professional advice where appropriate.
- 5.7 This is a discretionary policy and will be considered by the Council on a case by case basis. Before applying for exceptional circumstances relief liable parties are encouraged to discuss proposals with the Council's S106 Officer to establish if this is a possibility - – planningobligations@peterborough.gov.uk or 01733 453509.

**Appendix D – Peterborough Draft Developer Contributions
Supplementary Planning Document**



Peterborough City Council

Developer Contributions Supplementary Planning Document (SPD)

Adopted April 2015

Commencement date – 24/05/2014

Peterborough City Council

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Developer Contributions SPD 2015

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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 towards securing funding from developers to provide infrastructure to support development. It is set within the context of the council's 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 secures funding for infrastructure to support development. The SPD does not set policy. It provides a framework for implementation of existing policies contained in the adopted [Core Strategy DPD¹](#) (2011), [Minerals and Waste Core Strategy DPD²](#) (2011), [Planning Policies DPD³](#) (2012) and [City Centre DPD](#) (2014) 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:

- Clarifies the relationship between Planning Conditions, Planning Obligations and the Peterborough CIL;
- Explains how Planning Obligations CIL might be sought for different types of infrastructure;
- Helps ensure the timely provision of infrastructure to support growth;
- Aids the smooth functioning of the planning application process by explaining the council's process and procedures for using Planning Obligations; and,
- Assists in securing both local and national objectives in respect of the provision of sustainable development in Peterborough.

1.1.4 This SPD supersedes the Peterborough Planning Obligations Implementation Scheme SPD (adopted February 2010) which was formally revoked at the same time this SPD was adopted.

1.2 Status

1.2.1 The Developer Contributions SPD, once adopted, will be 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 Peterborough City Council's CIL Charging Schedule will come into effect on 24 April 2015, the same date as this SPD.

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.

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 infrastructure provision through financial contributions or works in kind e.g. S106 Agreements or Unilateral Undertakings (site/development related);
- The Peterborough Community Infrastructure Levy (**CIL**) (Strategic, local and city wide requirements); and
- **Section 278 agreements** under the Highways Act 1980.

2.1.3 The distinctions between these mechanisms 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 Obligation.

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:

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

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 statutory 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 The tests for Planning Obligations were made a statutory requirement by the CIL Regulations 2010 (as amended). The purpose of doing this was to distinguish the different roles that both CIL and Planning Obligations have when used together to support new development. The CIL Regulations also specify that by the adoption of CIL, or by 6 April 2015, whichever is sooner, the use of Planning Obligations must be scaled back. This is enforced by Regulation 123 which specifies that a Planning Obligation cannot be used to fund a project or type of infrastructure if there have been five separate obligations agreed since 6 April 2010 in relation to that project or type of infrastructure.

2.3.5 Unlike with Planning Conditions, a Planning Obligation can relate to land outside the application site and/or not under the control of the applicant. For example, a developer

⁶ NPPG - ID 21a-004-20140306

may be asked to contribute towards infrastructure costs arising out of the development, however this is subject to meeting the tests and pooling restrictions mentioned above.

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.

2.4 How are Planning Obligations secured?

2.4.1 Section 106 of the Town and Country Planning Act 1990 states that Planning Obligations 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 to the document. 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;
- **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; and,
- 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 partially replaces 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. CIL monies are pooled into a 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 Peterborough CIL Regulation 123 list (R123 list) will set out the infrastructure that can be funded, in whole or part, by CIL (see Appendix C). Planning Obligations will not be used to secure infrastructure that has already been identified for delivery and investment from CIL funds through the R123 list.

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 R123 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 R123 List includes project-specific infrastructure, the LPA should seek to minimise its reliance on Planning Obligations in relation to that infrastructure.
- 2.6.5 S.278 Agreements cannot be required for works that are intended to be funded through CIL, with the exception of the Highways Agency where those restrictions do not apply.

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 supports and supplements 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.

3.3.2 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.

3.4 Infrastructure Needs

3.4.1 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.

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

- 3.4.2 An updated version of the IDP, the Infrastructure Delivery Schedule (IDS) was published in November 2012 to support the Community Infrastructure Levy Preliminary Draft Charging Schedule consultation. A further revised version of the IDS was published in 2014.
- 3.4.3 The IDS is Peterborough's 'live' evidence base of what infrastructure is needed to support growth across the District is. It will be updated on a regular basis 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 Planning Obligations and CIL

4.1 Introduction

4.1.1 Following the adoption of a CIL Charging Schedule in Peterborough the use of S106 Planning Obligations will be scaled back significantly, and it is expected that, for the majority of development, CIL will become the main source of infrastructure funding obtained through the development management process. However, on sites of 500 dwellings or more Planning Obligations will continue as the primary mechanism for securing infrastructure associated with these developments.

4.1.2 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 might 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;
- 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 can provide more detailed information in relation to potential developer contributions for specific proposals. Further details are available on the [city council's website](#)⁸.

4.2.3 The benefits of an 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; and,
- 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 infrastructure requirements

4.3.1 An indication of the range of infrastructure requirements 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. However, the topics listed below are the more common infrastructure types considered and often required as a result of new development.

- 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 requirements, with a summary overview in Table 3.

4.3.3 When considering the infrastructure 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.

4.4 Planning Obligations Process

4.4.1 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.
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 discharge of all Planning Obligations the city council's Land Charges Section will remove the charge from the Land Charges Register.
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4.5 Peterborough Community Infrastructure Levy

4.5.1 Peterborough City Council adopted its CIL Charging Schedule (See Appendix F) on 15/04/2015. The Peterborough CIL Charging Schedule sets CIL rates by type of development, size of development and location. Peterborough CIL rates are set out in table 2 below. A map of charging zones is presented in Diagram 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 planning conditions or Planning Obligations. The CIL charge is non-negotiable. If a proposed development is CIL liable the relevant CIL charge will be levied.

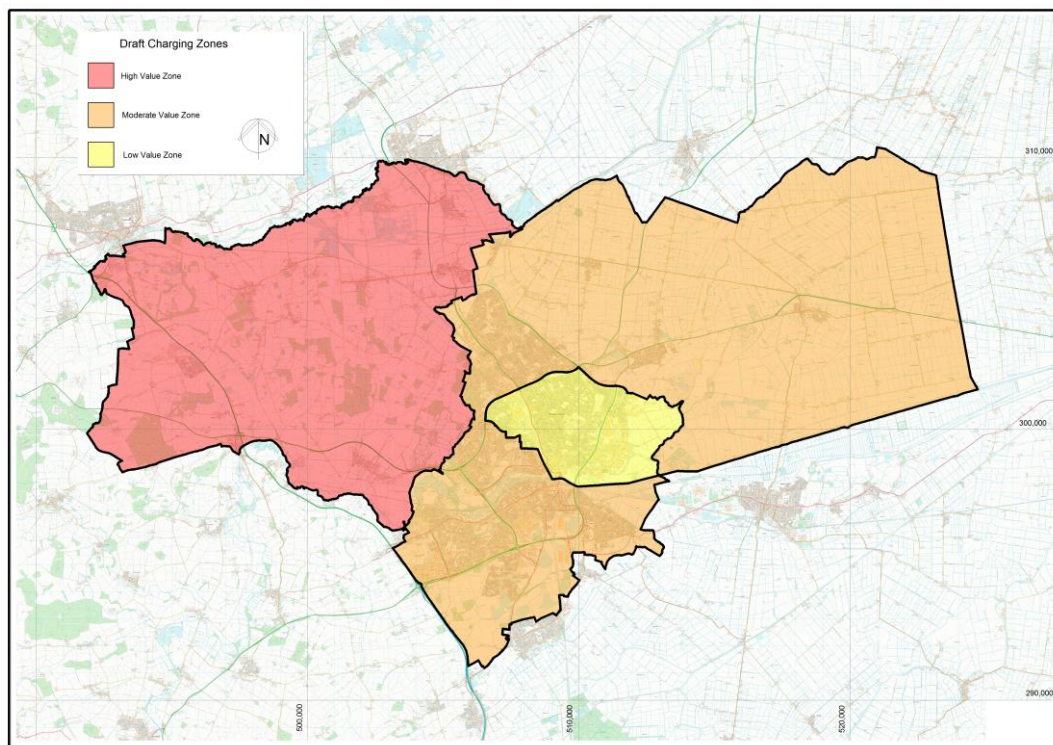
Table 2 Schedule Rates

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
Residential development comprising 500 or more dwellings	£0	£0	£0
Supermarkets	£150		
Retail Warehouses	£70		
Neighbourhood Convenience Stores	£15		
All other development	£0		

All charges are £ per m²

(Source: CIL Charging Schedule – see Appendix F)

Diagram 1 – Peterborough CIL Charging Zones



- 4.5.2 CIL receipts may be used to address in full, or in part, the infrastructure necessary to support the cumulative impact of development. Appendix C contains Peterborough’s Regulation 123 List (R123), at the point of adopting this SPD. The R123 List is a list of infrastructure types or projects, which the receipted CIL monies may help to fund in whole or in part. Where the R123 List includes a generic item such as ‘education’ or ‘transport’, or a specific project, then a S106 Planning Obligation cannot be sought for that item or type of infrastructure. The R123 List may be revised by the council at any time, subject to appropriate local consultation. If there is any dispute / conflict between what is stated in this SPD and any updated version of the R123 List, then the R123 List takes precedence.
- 4.5.3 The adopted CIL Charging Schedule and associated policies, the latest R123 List, as well as further background to the CIL in Peterborough; including the infrastructure and viability evidence that have been used to justify the charge set; and, details of public consultations and examination hearings can be found on the CIL pages of the council’s website – www.peterborough.gov.uk .
- 4.5.4 The CIL charge will be applied on each square metre of net additional floorspace in new buildings, with a minimum threshold of 100 square metres or a single dwelling. Some types of development are exempt from CIL, for example affordable housing is eligible for 100% relief. The process for securing CIL payments is set out on the council’s CIL administration webpage – www.peterborough.gov.uk .

4.6 Relationship between CIL and S106

- 4.6.1 Table 3 below sets out what infrastructure types could be provided / funded via S106 Planning Obligations and what types may be funded, in whole or part by the Peterborough CIL. This table is intended as a guide only. 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 as well as the most up to date version of the council’s R123 List.
- 4.6.2 It may not always be necessary or appropriate to seek a Planning Obligation for each infrastructure type, this will need to be assessed on a case by case basis.

Table 3: Summary of the relationship between S106 Planning Obligations / Planning Conditions and CIL

Infrastructure	CIL	S106 or planning condition
Transport	Strategic city-wide projects	Site-specific requirements
Education	Education facilities*	Education facilities directly related to sites of 500 or more dwellings
Affordable Housing	N/A	Affordable housing requirements
Lifetime homes	N/A	Lifetime homes requirements

Infrastructure	CIL	S106 or planning condition
Wheelchair homes	N/A	Wheelchair homes requirements
Emergency services	Emergency services*	Emergency Services requirements directly related to sites of 500 or more dwellings
Primary Health Care	Primary health care facilities*	Primary health care facilities directly related to sites of 500 or more dwellings
Crematorium / burial grounds	Crematorium / burial grounds requirements	N/A
Non-strategic outdoor open space	N/A	Non-strategic outdoor open space requirements
Strategic outdoor open space	Strategic outdoor open space requirements	N/A
Indoor sports facilities	Indoor sports and recreation facilities*	Indoor sports and recreation facilities directly related to sites of 500 or more dwellings
Community buildings	Community buildings requirements*	Community buildings requirements directly related to sites of 500 or more dwellings
Libraries, museum and lifelong learning	Libraries, museum and lifelong learning facilities*	Libraries, museum and lifelong learning facilities directly related to sites of 500 dwellings or more
Public realm	Public realm facilities	N/A
Environment Capital	N/A	Environment capital requirement
Flood risk management	Strategic / city wide flood risk management schemes	Site-specific flood risk management schemes
Waste management	Waste management requirements*	Waste management requirements directly related to sites of 500 or more dwellings
Other	Refer to council R123 List	Case by case basis
* excluding requirements directly related to sites of 500 dwellings or more		

5. Transport

5.1 Introduction

- 5.1.1 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.
- 5.1.2 Core Strategy Policy CS14 Transport 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 LTP3⁹ 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.

5.2 Types of facilities that may be required

- 5.2.1 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

5.3 What can be funded by CIL?

- 5.3.1 The cumulative impact of development often leads to pressures on the transport infrastructure network which are 'off-site' and beyond the immediate proximity of proposed developments. Strategic 'city-wide' transport improvements to support growth, including measures to promote walking, cycling, prioritise public transport and highway traffic calming and capacity improvements where appropriate could benefit from CIL funds.

5.4 When will Planning Obligations be sought?

- 5.4.1 Most developments generate new transport movements and many development schemes require either on or off-site specific works to mitigate their direct impact on the transport network. Where such a site-specific impact is identified a Planning Obligation may be sought to mitigate its impact. The impact is something that will be determined on a case by case basis.
- 5.4.2 Provision to be made for site-specific impacts can be made through Planning Conditions, a Section 278 Agreement or a S106 Planning Obligation. In most circumstances the obligation will be on the developer to implement the approved works via the relevant legal

⁹ <http://consult.peterborough.gov.uk/file/2159565>

agreements. However, there may be some circumstances where it would be acceptable to contribute a sum of money to the council to implement the works on the developer's behalf. Financial contributions will be negotiated on a case by case basis, and will be subject to the limitations on pooling funds from different schemes imposed by the CIL Regulations 2010 (as amended).

5.5 What Planning Obligations might be sought?

5.5.1 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; and,
- Travel information.

5.5.2 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 the accessibility issues and transport implications of their proposal. The TA or TS would be used to allow the council to assess the impact of the development and any mitigation measures that may be necessary.

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

5.5.4 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 new development. Whilst these can be prepared by the developer, readily prepared packs are available from the Travelchoice Team¹⁰ 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.

5.5.5 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 F. 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

¹⁰ <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; and,
- 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 What can be funded by CIL?

6.2.1 Education facilities required as a result of new development that are not directly related to strategic sites of 500 dwellings or more, could benefit from CIL funds.

6.3 When will Planning Obligations be sought?

6.3.1 Planning Obligations will only be sought for education facilities associated with strategic sites of 500 dwellings or more.

6.4 What S106 Planning Obligations might be sought?

6.4.1 Although this list is not exhaustive, on sites of 500 dwellings or more, 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;

- 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; and,
- 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.

6.4.2 It is acknowledged that any financial contribution towards education infrastructure will be subject to the pooling restrictions imposed by the CIL Regulations 2010 (as amended). This emphasises the need for sites of 500 dwellings or more to meet their education requirements on-site.

6.5 Provision Requirements

6.5.1 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.

6.5.2 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 4 - Child Yield Multiplier

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

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

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

Table 5 - 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

6.5.4 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 6 - Assumed mix of bedrooms

No. of Bedrooms	Assumed Mix %	Example of a 500 dwellings scheme
1	12	60 dwellings
2	24	120 dwellings
3	44	220 dwellings
4	16	80 dwellings
5+	4	20 dwellings

Source: 2011 Census

6.5.5 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.

6.6 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; and,
- 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)

6.6.1 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.

6.7 Secondary Education

6.7.1 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:

Table 7 - 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

School Size	DfE Minimum Area (Ha)	DfE Maximum Area (Ha)
10 FE	11	12
11 FE	12	13
12 FE	13	14

6.7.2 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.

6.8 Post-16 Education

6.8.1 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.

6.9 Indicative Costs for Buildings

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

Table 8 - 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).

6.10 Conclusion

6.10.1 As stated, Planning Obligations for education will only be sought in relation strategic residential sites of 500 or more dwellings, subject to pooling restrictions and the Regulation 122 tests. The commentary in the above paragraphs are helpful, but only a starting point, for negotiations on education contributions on sites of 500 or more dwellings.

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.
- 7.1.3 The [Peterborough Housing Strategy 2011 to 2015](#)¹¹ and Strategic Housing Market Assessment (SHMA) quantify 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.

7.2 What can be funded by CIL?

- 7.2.1 In line with the CIL Regulations CIL will not be charged on affordable housing. The Regulations also rule out the use of CIL for the provision of affordable housing.

7.3 Delivery of affordable housing via Planning Obligations

- 7.3.1 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.

7.4 When will S106 Planning Obligations be sought?

- 7.4.1 Only a Local Plan policy can set the thresholds in terms of how much and what sites will affordable housing be sought. The current Local Plan policy, CS8, 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.
- 7.4.2 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.
- 7.4.3 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, will not be acceptable.

¹¹ <http://www.peterborough.gov.uk/pdf/env-cc-Housing%20Strat1.pdf>

7.4.4 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.

7.4.5 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.

7.5 Involvement of Registered Providers (RP)

7.5.1 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.

7.5.2 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

7.5.3 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.

7.6 Financial considerations

On-site provision

7.6.1 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.

Off-site provision or commuted sums

7.6.2 Core Strategy Policy CS8, which is 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)

- 7.6.3 Calculation to commuted sums for affordable housing will be dealt with by the Council’s S106 team on a case by case basis. Please contact planningobligations@peterborough.gov.uk for further information on how these contributions will be calculated.

7.7 Pre-application discussions

- 7.7.1 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 that on all development sites on which :-

- 15 or more dwellings are proposed, 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 What can be funded via CIL?

8.3.1 CIL will not be used for the provision of lifetime homes or wheelchair homes.

8.4 Delivery of Lifetime Homes and Wheelchair Homes

8.4.1 The delivery of Lifetime Homes and Wheelchair Homes should be considered as part of the design process and incorporated into the planning application. These requirements will normally be dealt with by way of a planning condition to reinforce the normal design / development requirements.

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.

- 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.

9. Primary Health Care

9.1 Introduction

- 9.1.1 The [Peterborough Local Commissioning Group](#)¹² (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.

9.3 What can be funded by CIL?

- 9.3.1 Healthcare facilities required as result of new development, except for healthcare requirements directly related to strategic sites of 500 dwellings or more, could benefit from CIL funds.

9.4 When will S106 Planning Obligations be sought?

- 9.4.1 Planning Obligations will only be sought in relation to new residential developments of 500 dwellings or more, where:
- New premises/facilities are required as a result of the increased needs arising from the development;

¹² <http://www.cambridgeshireandpeterboroughccg.nhs.uk/Peterborough>

- 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; and/or,
- Inadequate alternative funding is available to provide the additional facilities or services required as a result of the development.

9.5 What S106 Planning Obligations might be sought?

9.5.1 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. This will be done on a case by case basis.

9.5.2 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;
- In certain circumstances a financial contribution towards the delivery of the required infrastructure may be appropriate.
- 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;
- 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.

9.5.3 It is acknowledged that any financial contribution towards healthcare infrastructure will be subject to the pooling restrictions imposed by Regulation 122 of the CIL Regulations 2010 (as amended). This emphasises the need for residential sites of 500 dwellings or more to meet their healthcare requirements on-site.

9.6 Provision Requirements and Costs

9.6.1 Requirements 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.

9.6.2 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.

9.6.3 It is recognised that facilities and needs will vary greatly and costs will therefore vary accordingly. For this reason Planning Obligations will be negotiated on a case by case basis.

9.7 Conclusion

- 9.7.1 Planning Obligations for healthcare requirements will only be sought in relation to strategic residential sites of 500 or more dwellings, subject to pooling restrictions and the Regulation 122 tests.

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, i.e. 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 What can be funded by CIL?

10.2.1 Requirements for crematoria and burial grounds arising as a result of new development could be funded by CIL.

10.3 When will S106 Planning Obligations be sought?

10.3.1 Following the adoption of the CIL Planning Obligations will not be used to secure crematoria and burial grounds.

11 Site Drainage & Flood Risk Management

11.1 Introduction

11.1.1 Peterborough city lies just a few metres above sea-level and some of the rural parts of the council's administrative area 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 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](#)¹³ 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. From 6 April 2015 it is 'the government's expectation that sustainable drainage systems (SuDS) will be provided in new developments, as part of the planning system, wherever this is appropriate'. Planning policy relating to major development is to be amended to ensure that SuDS are put in place and the city council, and other LPA's, are expected to use Planning Conditions and Planning Obligations to make sure that there are clear arrangements in place for ongoing maintenance over the lifetime of the development.

11.2.3 One of the options that will be available to developers is that the city council may offer to adopt their SuDS. This would require a commuted sum to support the cost of maintenance. There will also be other maintenance options open to developers such as working with the local water company and these may require different conditions or Planning Obligations.

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.

¹³ <http://www.peterborough.gov.uk/pdf/env-wm-FWMSPD%20adopted%20Dec12.pdf>

11.3 What can be funded by CIL?

11.3.1 Strategic flood risk management schemes could benefit from CIL funds. 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 Peterborough City Centre DPD) to be unlocked.

11.4 When will S106 Planning Obligations be sought?

11.4.1 S106 planning obligations will only be sought in relation to the development, where flood, drainage and water management schemes are required both on-site and/or 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.

11.5 What S106 Planning Obligations might be sought?

11.5.1 For off-site schemes that are directly related to the development site, the city council may require developers to provide a financial contribution towards the delivery of the required infrastructure, subject to the pooling restrictions imposed by the CIL Regulations 2010 (as amended). If appropriate, consideration will be given to the developer building the required infrastructure to an agreed specification in consultation with appropriate partners.

11.5.2 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 Non-Strategic 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](#)¹⁴ 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.

12.2 Types of facilities that may be required

12.2.1 Planning Policies DPD, Policy PP14 and Appendix B, set out the standards of open space provision required from new development.

12.2.2 Non-strategic open space includes the following categories:

Table 9 - Non-Strategic Open Space Requirements

Non-Strategic Open Space types for which on-site provision may be required (via S106)
Doorstep outdoor play space (or LAP's –Local Areas of Play)
Junior outdoor play (or LEAP's)
Youth outdoor play space (NEAP's)
Neighbourhood Parks
Allotments
Natural greenspace
Playing pitches / outdoor sports
Amenity greenspace

(A glossary of the above open space types is provided at Appendix D)

12.3 What can be funded by CIL?

12.3.1 CIL will not be used to fund the provision of non-strategic open space.

12.4 When will S106 Planning Obligations be sought?

12.4.1 S106 Planning Obligations may be sought in relation to non-strategic open space provision on all residential development where non-strategic open space provision is required as a direct result of new development.

¹⁴ <http://consult.peterborough.gov.uk/file/2159584>

12.5 What S106 Planning Obligations might be sought?

12.5.1 Planning Obligations could be sought in relation to:

- 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 10 below. 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 may be expected to make a proportionate financial contribution towards the provision of off-site open space to redress the on-site; and,
- An obligation may also be required for the 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.

12.5.2 It is acknowledged that any financial contribution towards non-strategic open space will be subject to the pooling restrictions imposed by the CIL Regulations 2010 (as amended). This emphasises the need for all sites to meet their non-strategic open space requirements on-site.

12.6 Provision Requirements and Indicative Costs

12.6.1 Policy PP14 Open Space Standards and Appendix B of the Planning Policies DPD sets out the quantitative standards for non-strategic open space. These can be converted to indicative costs as outlined in Table 10 below.

12.6.2 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 table below as a '15% discount'.

12.6.3 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.

Table 10 Open Space Provision Requirements (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

- 12.6.4 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.
- 12.6.5 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.
- 12.6.6 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 11 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

Non-Strategic Open Space types	Accessibility Guidelines
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 Calculating the contributions (off-site commuted sums)

12.7.1 The council's preferred approach is the provision of open space on-site. However, off-site contributions for open space provision may need to be calculated in some instances. The methodology for calculating such contributions is outlined below

- Land purchase –land purchase cost will be charged at £6/m².
Plus
- Provision Costs - will be charged pro-rata in accordance with Table 10 costs of provision, £ per m².
Plus
- Maintenance Costs

12.7.2 Any financial contribution agreed will be subject to the Regulation 122 tests and the pooling restrictions introduced by Regulation 123 of the CIL Regulations 2010 (as amended).

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

12.8.1 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.

12.8.2 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 12 Schedule of Landscape Maintenance Rates.

12.8.3 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 is not. The reason for this, is that the neighbourhood park may constitute a wide range of the items set out in the Landscape Maintenance Schedule.

12.8.4 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.

12.8.5 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 12 Schedule of Landscape Maintenance Rates (To be reviewed annually)

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 m2
Footpaths - Tarmac	£21.11 per m2
Formal Shrubbery	£48.93 per m2
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 m2
Stilling Ponds - Inspection/repair	£21,114.00 per pond
Swales	£87,358.00
Swales with shrubbery	£49.00 per m2
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

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.

Table 13 – Strategic Open Space Requirements

Requirements
Country Parks
Synthetic Turf Pitches
Family Play Spaces
Strategic Green Infrastructure

(A glossary of the above open space types is provided at Appendix D)

13.1.2 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 approach is also promoted through the Planning Policies DPD, notably policies PP15 Nene Valley, PP16 - The Landscaping and Biodiversity Implications of Development, and, The Peterborough Flood and Water Management Supplementary Planning Document.

13.1.4 The Peterborough Green Grid Strategy¹⁵ 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. The CIL could be used to enhance this existing provision to meet NECPAS criteria, in the south of the

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city and to purchase land or seek long-term land stewardship agreements to secure provision in the north/north east of the city;

- **Synthetic Turf Pitches** – the Open Space Study 2011 identified need for two facilities, with target areas being Hampton /Haddon and Stanground College or Orton Bushfield area;
- **Family Play Space** – the Open Space Study 2011 identified a shortfall of seven family play spaces across the district, if the policy standards were to be met;
- **Strategic green infrastructure** - This 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). Strategic 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.

13.3 What can be funded by CIL?

13.3.1 Strategic Open Space may be funded in whole or in part by CIL.

13.4 Use of Planning Conditions

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

13.5 When will S106 Planning Obligations be sought?

13.5.1 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, other than as covered by the generic policy CS12 – Infrastructure in the Peterborough Core Strategy DPD 2011. Nevertheless, the Peterborough Sports Strategy 2009-2014 identified a number of priority areas to be addressed in terms of indoor sports facility provision and this strategy is due to be updated in 2015/16.

14.2 Types of facilities that may be required

14.2.1 Please refer to the latest version of the Peterborough Sports Strategy which can be found on the council's website – www.peterborough.gov.uk

14.2.2 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.

14.3 What can be funded by CIL?

14.3.1 Indoor Sports facilities required as a result of new development, that are not directly related to sites of 500 dwellings or more, could benefit from CIL funds.

14.4 When will S106 Planning Obligations be sought?

14.4.1 Planning contributions will only be sought in the form of S106 Planning Obligations on sites of 500 dwellings or more where site specific opportunity / impact arises, and the obligation accords with the statutory tests for Planning Obligations and pooling restrictions imposed by the CIL Regulations 2010 (As amended).

14.4.2 The most up to date Peterborough Sports Strategy will inform what may be appropriate contributions.

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 Requirements will vary with each development, based on design issues and the existing capacity, proximity and quality of near-by facilities. Provision requirements will be dealt with on a case by case basis.

15.3 What can be funded by CIL?

- 15.3.1 Community facilities required as a result of new development that are not directly related to sites of 500 dwellings or more could benefit from CIL funds.

15.4 When will Planning Obligations be sought?

- 15.4.1 Planning Obligations for community facilities will only be sought 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 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.

15.5 What S106 Planning Obligations will be sought?

15.5.1 Planning Obligations 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;
- A financial contribution towards the delivery of the required infrastructure may be required;
- 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.

15.5.2 It is acknowledged that any financial contribution towards community facilities will be subject to the pooling restrictions imposed by the CIL Regulations 2010 (as amended). This emphasises the need for residential sites of 500 dwellings or more to meet their community facility requirements on-site.

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 Vivacity (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.

16.3 What can be funded by CIL?

16.3.1 Libraries, museums and life-long learning facilities required as a result of new development, which are not directly related to sites of 500 dwellings or more, could benefit from CIL funds.

16.4 When will S106 Planning Obligations be sought?

16.4.1 S106 Planning Obligations will only be sought in relation to new residential developments 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.

16.5 What S106 Planning Obligations might be sought?

16.5.1 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. Planning Obligations 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;

- A financial contribution towards the delivery of the required infrastructure may be required;
- 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.

16.5.2 It is acknowledged that any financial contribution towards library, museum or life-long learning facilities will be subject to the pooling restrictions imposed by the CIL Regulations 2010 (as amended). This emphasises the need for residential sites of 500 dwellings or more to meet their provision requirements on-site.

16.6 Provision Requirements

16.6.1 Requirements will vary with each development, based on design issues and the existing capacity, proximity and quality of near-by facilities. Provision requirements will be dealt with on a case by case basis.

16.6.2 Where library, museum and life-long learning facilities are delivered they must be offered to the city council or vivacity (and/or contracted partner) for adoption. In the event of the council being unable to 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 The City Centre Plan aims 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 in the past few years, 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.

17.2 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 and hard and soft landscaping works. There will also be occasion where public realm master planning is required.

17.3 What can be funded by CIL?

17.3.1 Public Realm infrastructure required as a result of new development could benefit, in whole or in part, from CIL funds.

17.4 What S106 Planning Obligations might be sought?

17.4.1 Following the adoption of CIL, the council will not seek to secure Planning Obligations for public realm 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 SPD16 (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; and,
 - 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 What can be funded by CIL?

- 18.3.1 Waste management infrastructure required as a result of new development, which is not directly related to sites of 500 dwellings or more, could benefit from CIL funds.

¹⁶ <http://www.peterborough.gov.uk/pdf/RECAP%20SPD%20web.pdf>

18.4 When will S106 Planning Obligations be sought?

18.4.1 S106 Planning Obligations for waste infrastructure will only be sought in relation to sites of 500 dwellings or more. However, relevant Planning Conditions may be imposed on all development schemes of any size.

18.5 What S106 Planning Obligations might be sought?

18.5.1 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.

18.6 Provision Requirements

18.6.1 Requirements will vary with each development, based on design issues and the existing capacity, proximity and quality of near-by facilities. Provision requirements will be dealt with on a case by case basis.

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 infrastructure 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. Some 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;
- Achieving a sustainability rating that results in higher levels of performance against the Code for Sustainable Homes of BREEAM;
- 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; and,
- 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 The council will seek to secure this contribution to the environmental capital agenda on-site via Planning Conditions through design requirements.

19.3 What can be funded by CIL?

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

19.4 When will S106 Planning Obligations be sought?

19.4.1 In the event that a contribution to the environment capita agenda cannot be secured via Planning Condition, a Planning Obligation may be required. This will be subject to that Planning Obligation satisfying the statutory tests for Planning Obligations and pooling restrictions imposed by the CIL Regulations 2010 (as amended).

19.5 What S106 Planning Obligations might be sought?

19.5.1 Developer contributions to the environment capital agenda will normally be secured via Planning Conditions. In the event a Planning Obligation is used this will be negotiated on a case by case basis.

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.

21 Implementation of the SPD

21.1 Negotiation/Viability

- 21.1.1 Planning Obligations, like CIL, are a necessary cost of development and it will be expected that the likely cost of obligations, including the cost of affordable housing provision, will be factored into development from an early stage. The council has tested the viability of development as part of the preparation of the CIL charging schedule. The viability assessments tested the impact of the proposed CIL rates, alongside Local Plan policies and Planning Obligations on development. The results of these residual land value development appraisals produced land values that would still incentivise landowners to make their land available for development, even with additional headroom that is not relied on in practice.
- 21.1.2 The costs incurred in delivering a workable, high quality development should be anticipated and reflected in the price paid for land and will not normally reduce the ability of a site to provide the required Planning Obligations.
- 21.1.3 Anticipated costs will include affordable housing, site clearance and remediation, good quality, design measures, landscaping, noise and other environmental attenuation measures, and appropriate infrastructure provision. 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 required planning contributions.
- 21.1.4 However, there may be exceptional circumstances where development proposals are unable to meet, in full, the policy requirements of the Development Plan. If the Applicant can demonstrate, to the satisfaction of the council, that the scheme cannot be fully compliant and remain financially viable, the council may consider a reduced level of contributions in one or more areas.
- 21.1.5 In order to determine such applications the applicant is required to submit an ‘open book’ viability assessment to the council. In all cases, the council requires viability assessment to be undertaken using a residual land value approach. The applicant should use the Homes and Communities Agency Development Appraisal Tool or an equivalent well recognised appraisal tool, to be agreed with the council in advance of the assessment. The viability assessment will need to address the fundamental issue of whether an otherwise viable development is made unviable by the extent of the Planning Obligations and CIL requirements.
- 21.1.6 The schedule of information to be provided as part of a Financial Viability Assessment on any development scheme can be found at Appendix B.
- 21.1.7 Once submitted, the viability assessment will be considered and assessed by the city council. Occasionally, it may be considered appropriate for complex schemes to appoint an independent viability advisor with reasonable costs to be borne by the applicant. Commercially sensitive information will be treated in due confidence, however it may be necessary to report the key issues and broad conclusions to elected members at the time of their consideration of the planning application.
- 21.1.8 Where the applicant fails to demonstrate that a reduced level of contributions should be applied or that the level of Planning Obligations that the development can viably support cannot mitigate the impact of the proposed development, then the planning application is likely to be recommended for refusal.

21.2 Process

21.2.1 The council's Section 106 template will be updated from time to time as appropriate to reflect the development plan. Where a Section 106 agreement is required, applicants will be expected to enter into Section 106 agreements in the form indicated in the template and in a timely manner, and to ensure that all parties with interests in the land, including charges, will join in the agreement before making the application.

21.2.2 The applicant will be expected to provide Heads of Terms reflecting the requirements in the template, the obligations outlined in this SPD, and reflecting all parties with interests in the relevant land.

Appendices

Appendix A

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** 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. 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 usually mean the Building Cost Information Service All-in Tender Price Index (TPI) (SE England excl. London) of the Royal Institution of Chartered Surveyors, however separate indices may be used for affordable housing contributions.

6.2 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.

6.3 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 B

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 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.

4.5 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.

4.6 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.

4.7 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.

4.8 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 C – CIL Regulation 123 List

Peterborough City Council Community Infrastructure Levy Regulation 123 List of Infrastructure

The Draft Regulation 123 list, as set out below, defines which projects and/or types/sections of infrastructure that the council will, or may, fund in whole or part through CIL revenues. In accordance with Regulation 123, developer contributions to the infrastructure listed below will not be sought through Planning Obligations.

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, subject to council priorities and the levels of available CIL funding.

The Regulation 123 List takes effect on 24/04/2015.

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

Strategic / city wide impact transport projects
(excluding specific improvements necessary to make a development acceptable in planning terms)
Education facilities*
Health facilities*
Indoor Sports and recreation facilities*
Library, museum and life long learning facilities*
Waste Management infrastructure*
Emergency services*
Strategic Open Space
Strategic flood risk management schemes
(excluding flood risk measures required to facilitate the alleviation of flood risk in relation to a development site)
Public realm
Crematorium and burial grounds
* excluding where requirements are directly related to residential development comprising 500 dwellings or more

Appendix D – 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 planting (e.g. natural scent, colour and texture).</p>

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.

	<p>2. Junior area (7-11s) - minimum 6 differing items of traditional play equipment.</p> <p>Containing '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>3. Over 12s area - Hard surface Multi-Use Games Area of at least 465 sq m. and/or formal wheeled play facilities.</p> <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 with consultation with local young people.</p>
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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 E

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

Peterborough City Council Developer Contributions SPD – April 2015

8	B2 General industrial	General industry (other than classified as in B1), The former 'special industrial' use classes, B3 – B7, are now all encompassed in the B2 use class.	GFA	<2500 sq. m	>2500 <4000 sq. m	>4000 sq. m
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

Peterborough City Council Developer Contributions SPD – April 2015

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 leisure uses not involving motorised vehicles or firearms.	GFA	<500 sq. m	>500<1500 sq.m	>1500 sq. m
17	Others	For example: stadium, retail warehouse clubs, amusement arcades, launderettes, 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).		✓	

Appendix F – Peterborough CIL Charging Schedule



Peterborough City Council

Community Infrastructure Levy Charging Schedule

April 2015

Peterborough City Council

Town Hall

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Peterborough City Council Community Infrastructure Levy Charging Schedule

Peterborough City Council, as the local Planning Authority, is the Charging Authority and will also be the Collecting Authority. This Charging Schedule comes into force on 24/04/2015.

Liability to Pay CIL

A chargeable development is one for which planning permission is granted and which is liable to pay CIL in accordance with the Regulations.

Schedule of Rates

Peterborough City Council is proposing to charge CIL in respect of development at the following 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
Residential development comprising 500 or more dwellings	£0	£0	£0
Supermarkets*	£150		
Retail Warehouses**	£70		
Neighbourhood Convenience Stores***	£15		
All other development	£0		
All charges are £ per sq m			

* Supermarkets are large convenience-led stores where the majority of custom is from people doing their main weekly food shop. As such, they provide a very wide range of convenience goods, often with some element of comparison goods. In addition to this, the key characteristics of the way a supermarket is used include the area used for sales of goods generally being above 500 sq m; the majority of customers using a trolley to gather a large number of products; the majority of customers accessing the store by car using the large adjacent car park provided; and servicing being undertaken via a dedicated service area rather than from the street.

** Retail warehouses are usually large stores specialising in the sale of household goods (such as carpets, furniture and electrical goods), DIY items and other ranges of goods. They can be stand-alone units, but are also often developed as part of retail parks. In either case, they are usually located outside of existing town centres and cater for mainly car-borne customers. As such, they usually have large adjacent dedicated surface parking.

***Neighbourhood convenience stores are used primarily by customers undertaking “top-up” shopping. They sell a limited range of convenience goods and usually do not sell comparison goods. The key characteristics of their use include trading areas of less than 500 sq m; the majority of customers buying only a small number of items that can be carried around the store by hand or in a small basket; the majority of customers accessing

the store on foot and as such there is usually little or no dedicated parking; and servicing being undertaken from the street rather than from dedicated service areas.

How will the Chargeable Amount be Calculated?

CIL charges will be calculated in accordance with CIL Regulation 40 (as amended). The chargeable amount will be equal to the aggregate of the amounts of CIL chargeable at each of the relevant rates as set out in this charging schedule.

The chargeable amount will be index linked using the Royal Institution of Chartered Surveyors' All-in Tender Price Index figures for the year in which the planning permission is granted and the year in which this charging schedule took effect.

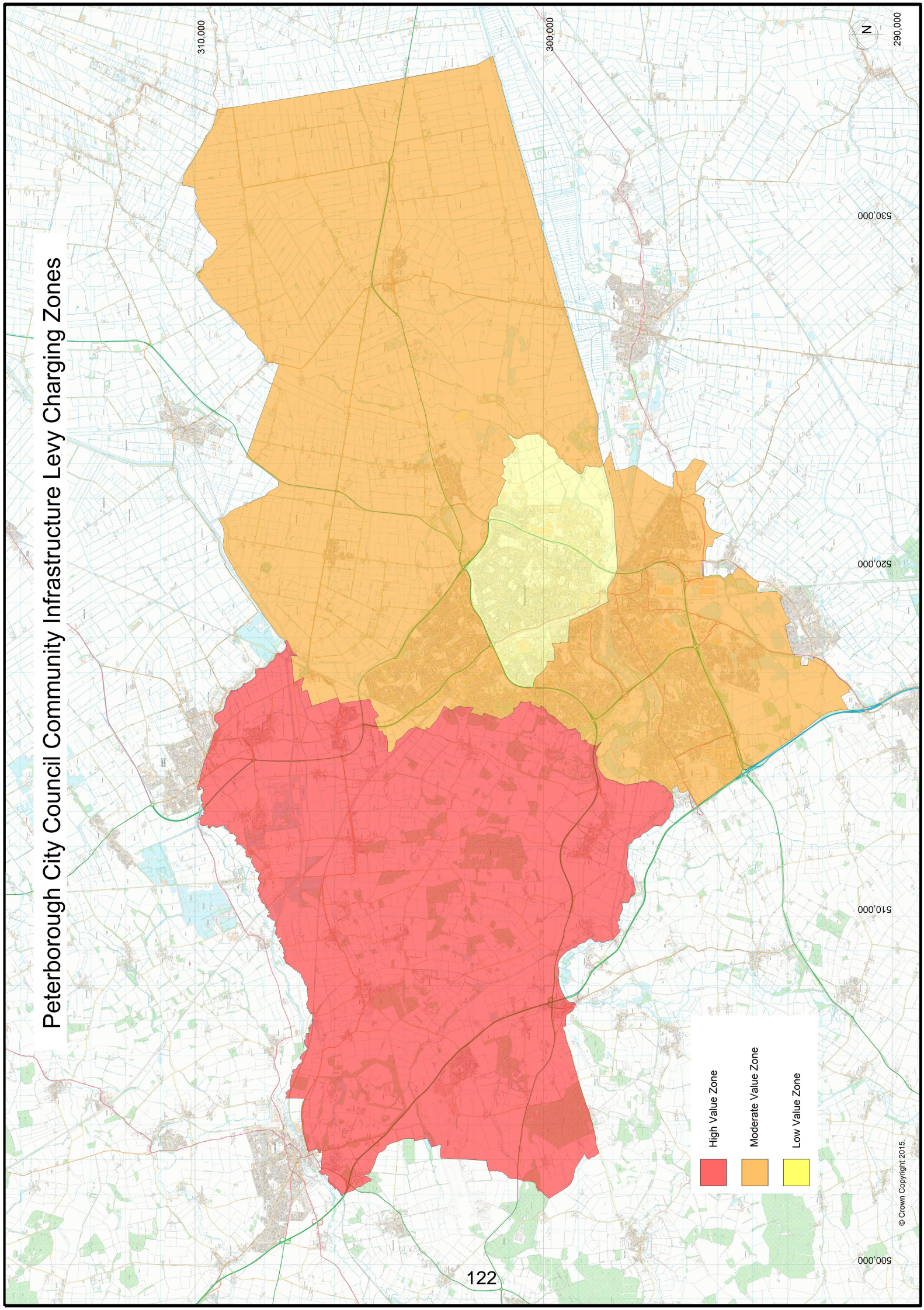
Date of Approval

This charging schedule was approved on 15/04/2015 (tbc)

Date of Effect

This charging schedule will take effect on 24/04/2015 (tbc)

Peterborough City Council Community Infrastructure Levy Charging Zones



**Appendix E – Draft Developer Contributions SPD Statement
of Public Participation**

Peterborough City Council
Developer Contributions
Supplementary Planning Document
Statement of Public Participation

This report sets out a summary of representations received during the consultation on the Draft 'Developer Contributions' SPD together with the Council's response to these comments.

The report sets changes made to the SPD which were necessary as a result of comments received through the consultation process.

Background

The Developer Contributions SPD has been prepared to support the implementation of existing policies contained in the adopted Peterborough Core Strategy DPD 2011, the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD 2011, the Peterborough Planning Policies DPD 2012 and the Peterborough City Centre Plan 2014. In particular this SPD supports Peterborough Core Strategy DPD Policy CS13: Developer Contributions to Infrastructure Provision. The document also supports the council's Community Infrastructure Levy (CIL) Charging Schedule by clearly outlining the future relationship between CIL and planning obligations.

The Developer Contributions SPD will supersede the Peterborough Planning Obligations Implementation Scheme (adopted February 2010) which will be formally revoked at the same the SPD is adopted on 24/04/2015.

The intention is that this SPD will help all parties involved (such as the council, developers, landowners and registered providers) deliver infrastructure to support new development.

Document Production

Alongside the production of the council's Community Infrastructure Levy Charging Schedule it has been necessary to commence a parallel review of the council's procedures on planning obligations. CIL Regulations require a CIL Charging Authority to scale back existing s106 Planning Obligations to reflect the proposed CIL and ensure that there is no double charging of CIL and s106 for the same infrastructure. Regulations and Guidance also require the Charging Authority to publish its proposals for scaling back s106 Planning Obligations when consulting on draft CIL proposals, to provide certainty to the development industry and others on the total development-related contributions that will be sought.

To meet the requirements of CIL Regulations and Guidance the council published a Draft Developer Contributions SPD for consultation alongside its Draft CIL Charging Schedule consultation. The draft SPD was approved for public consultation at [Cabinet on 28 July 2014](#). The consultation ran from 9AM on 18 August 2014 to 5PM on 15 September 2014.

DEVELOPER CONTRIBUTIONS SPD – STATEMENT OF REPRESENTATIONS

As the draft SPD supports policies that have already undergone sustainability appraisal there was no further need to undertake a separate Sustainability Appraisal or Habitats Regulations Assessment for this document.

Consultation

A four-week consultation period for the draft Developer Contributions Supplementary Planning Document (SPD) took place from:

9am on 18 August 2014 to 5pm on 15 September 2014

In accordance with the Town and County Planning (Local Planning (England) Regulations 2012 and the Peterborough Statement of Community Involvement (2012) the draft Developer Contributions Supplementary Planning Document (SPD) was made available as follows.

- To all individuals / organisations / bodies whom we consider will be affected or interested in the draft SPD, were notified of the SPD and consultation via post or e-mail;
- The SPD can be viewed and downloaded from the council's website. Details of the consultation period and how to submit comments also featured on the website (http://www.peterborough.gov.uk/community_information/consultation_and_engagement/current_consultations.aspx);
- A press release regarding the SPD consultation was released;
- Hard copies of the document were made available during the consultation:
 - At Peterborough City Council's Customer Service Centre at Bayard Place, Broadway, Peterborough, PW1 1FZ from 9am to 5pm, Monday to Friday; and,
 - At Peterborough Central Library ; Hampton Library; Bretton Library Dogsthorpe Library; Eye Library; Orton Library; Stanground Library; Thorney Library Werrington Library; and, Woodston Library.

Key Issues Raised

The council has considered all representations received during the four week consultation period and a summary the main issues raised during the consultation period together with a council response to these issues is attached at Appendix A.

The planned adoption of the Developer Contributions SPD will take place at a meeting of the council's Cabinet on 7 April 2015. The SPD will take effect on the same day as the council's CIL Charging Schedule, 24/04/2015.

Appendix A - Draft Planning Obligations SPD – Statement of Public Participation

Respondent	Rep number	Section / para	Summary of Representation	Representation Council Response	Change to SPD
Natural England	001	Whole Document	Support. Overall, Natural England is satisfied that the Peterborough Developer Contributions SPD considers the natural environment and specifically notes that the following key environmental areas are covered: the natural environment, wildlife corridors, open space, green infrastructure and climate change with a variety of development management policies. Protecting and enhancing natural resources is a key challenge of delivering the growth required to meet the needs of communities, business and infrastructure.	Support noted.	No changes necessary.
Highways Agency (Roger Chenery)	002 (DCSPD1)	Whole Document	Thank you for the opportunity to comment on this draft document. I am pleased to see that Appendix E makes it clear that direct transport issues are to be funded directly by the development and CIL contributions may be expended by Peterborough City Council on remaining transport issue and other matters elsewhere.	Support noted.	No changes necessary.
Kate Day	003 (DCSPD2)	Section 4 Table 4	I am concerned that the CIL contributions appear to be focussed on City wide projects where I understand that under the April 2013 Amendment put limitations on the use of pooled planning obligations requiring that 15% of CIL funds receipted to be passed to the Parish Council for CIL liable development incurring within the Parish. (Rising to 25% for areas with a Neighbourhood Development Plan.	Noted. The neighbourhood element referred to will be passed on to Parish Councils in accordance with the CIL Regulations 2010 (as amended). It will be spent in consultation with the community in non-parished areas in accordance with the CIL	No changes necessary.

				Regulations 2010 (as amended).	
Anglian Water	004	Para 2.3.5 & para 4.3.1	<p>Thank you for consulting Anglian Water on the Peterborough Community Infrastructure Levy Draft Charging Schedule.</p> <p>Anglian Water are fully supportive of Policy CS12.</p> <p>With regards to paragraphs 2.3.5 and 4.3.1, I would just like to set out the mechanism for funding for sewerage infrastructure.</p> <p>In general, wastewater treatment infrastructure upgrades to provide for residential growth are wholly funded by Anglian Water through our Asset Management Plan.</p> <p>Network improvements (on-site and off-site) are generally funded/part funded through developer contribution via the relevant sections of the Water Industry Act 1991. The cost and extent of the required network improvement are investigated and determined when we are approached by a developer and an appraisal is carried out. There are a number of payment options available to developers. Options include deducting the revenue that will be raised from the newly connected dwellings (through the household wastewater charges) over a period of twelve years off the capital cost of the network upgrades. The developer then pays the outstanding sum.</p> <p>Anglian Water offers a pre planning service which includes a capacity check to determine the impact of sewerage from a proposed development. We will also work with the developer or land owner during this process to develop foul and surface water (where applicable) drainage solutions</p>	Support and comments noted.	No changes necessary.

DEVELOPER CONTRIBUTIONS SPD – STATEMENT OF REPRESENTATIONS

			<p>which will not cause a detriment to our existing or future customer. We would encourage the prospective developer to contact us at the earliest convenience to discuss drainage proposals to serve the development. Details regarding this service can be found at http://www.anglianwater.co.uk/developers/pre-planning-service-.aspx</p>		
English Heritage	005	20	<p>Thank you for consulting English Heritage on this draft SPD. The SPD is very relevant to Peterborough’s historic environment, as the document could help to secure the repair, management and enhancement of historic features and sites. The inclusion of the historic environment as an area where contributions can be made will help to strengthen and enhance the character and appearance of Peterborough.</p> <p>We therefore welcome reference to the historic environment in paragraph 20.1.2 as an example of where planning obligations could be sought. It would be helpful if the SPD could contain a bit more information on what is meant by "impacts on the historic environment", as this could include restoration and enhancement of heritage assets as well as management and investigation of heritage assets (particularly archaeological).</p> <p>Elements of the historic environment may be covered under some of the other topic areas of the SPD, such as public realm, green infrastructure and transport.</p>	<p>Comments noted. Impacts on the historic environment will be defined on a case by case basis.</p>	<p>No change necessary.</p>
DLA on behalf of O & H properties		Whole Document	<p>We acknowledge that this document will be used by both the Local Planning Authority and developers as a tool to calculate and negotiate developer contributions to secure “site-related” infrastructure, either through “on-site” contributions or via a commuted sum.</p>	<p>Comments noted. It will not be possible to provide indicative costs for all types of infrastructure</p>	<p>No change necessary.</p>

			<p>To date, developer contributions for strategic development have been delivered through s106 agreements, supplemented by the Council's Planning Obligations Implementation Scheme (POIS) (Feb 2010). POIS sets out the Council's starting point for the negotiation of planning obligations but operates complementarily with the s106 mechanism to ensure that timely delivery of on-site supporting infrastructure is orchestrated by the developer either in response to certain triggers within the permission and/or at such time that is considered appropriate to add value to serviced development parcels. The Council's POIS will be revoked at the same time as the Peterborough CIL is adopted. Following which, CIL will become the main mechanism used to secure certain planning contribution types and s106 planning obligations will continue to be used to secure other contribution types.</p> <p>Critically, all eligible developments will be expected to pay the fixed CIL charge that the development would levy, as well as any necessary "site-specific" S106 obligation sought to make a proposed development acceptable.</p> <p><i>S106 Tests</i> It is understood that generally, "Development Specific" infrastructure, that is, local site-related transport requirements and site specific contributions such as those towards education, health, sports and community are delivered through the use of planning obligations, and that all remaining infrastructure, likely to be at a city wide, strategic scale will be funded, in whole or in part, through CIL. Infrastructure items that are eligible for CIL funding are set out in the Council's Regulation 123 List.</p>	<p>requirements. Applications will be dealt with on a case by case basis.</p> <p>Public Realm projects will not be secured via planning obligation.</p>	
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		<p>Turning to Developer Contributions, you will be aware that the provisions of any Section 106 Agreement must comply with Regulation 122 of the Community and Infrastructure Levy Regulations (2010). Regulation 122 makes it clear that a planning obligation must be:</p> <ol style="list-style-type: none"> 1. Necessary to make the development acceptable in planning terms; 2. Directly related to the development; and 3. Fairly and reasonably related in scale and kind to the development. <p>It is therefore important that the content of the Developer Contribution SPD is fit for purpose, in that it seeks to promote an approach to S106 Agreements that accord with the requirements as set out above. Critically, this is to ensure sufficient information in relation to the types of infrastructure, that may be required to make a development acceptable, and the scale of the contribution that may be required, so all requests for such contributions are necessary, directly and fairly and reasonably related in scale and kind to the development proposed. In addition to which, the SPD should set out the sources that have been relied upon to calculate the assumed target level of contribution.</p> <p><i>Comments on the Draft SPD</i> There are a number of common infrastructure topics within the SPD for which supporting documentation is referenced to help evidence the type of contribution that might be sought by the Council. In some topic areas, these are also supported by indicative costs, and although we do not seek to comment on the appropriateness or otherwise of the specific infrastructure cost assumptions, contained therein,</p>		
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			<p>their inclusion nonetheless, provides a helpful starting point for negotiations.</p> <p>There are however a number of infrastructure topics for which supporting and/or evidential information is lacking, such areas include Section 14: Indoor Sports Facilities, Section 15 Community buildings, Section 17: Public Realm and Section 18: Waste management. We would suggest the inclusion of indicative costings of contributions supported by information in respect of the assumptions relied upon to calculate such contributions. This approach would ensure that the SPD is effective in meeting the tests as set out above.</p> <p>We would also point out that Section 17: Public Realm should exclude reference to contributions towards Public Art. The National Planning Practice Guidance clearly states that contributions towards such a provision do not meet the relevant Regulation 122 test.</p>		
Sport England		<p>Whole document</p> <p>Para 14.2.2</p>	<p>Sport England is generally supportive of this document, however we would like to make the following specific comments:</p> <ol style="list-style-type: none"> 1) We support the separation of non-strategic open space (for which on-site provision may be required via s106 contributions) and strategic provision (including Synthetic Turf Pitches) for which off-site provision will be required (possibly via CIL) 2) For Indoor Sports there is a reference to sports hall needs being primarily met through securing community use of school sites through the Building Schools for the Future programme (Para. 14.2.2). However, this programme was stopped by the 	Comments noted.	Any reference to the 'Building Schools for the Future Programme have been deleted.

DEVELOPER CONTRIBUTIONS SPD – STATEMENT OF REPRESENTATIONS

			government back in 2010 and cannot therefore secure the community use of school facilities.		
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Appendix F – Amendments to the Council’s Constitution

Appendix F - Consequential Amendments to the Council’s Constitution Relating to the Community Infrastructure Levy

Part 3, Delegations Section 1 – Functions Reserved to Council

1.1 Policy Functions

Remove the following:

“(h) Plans and strategies which together comprise the statutory development plan (Development Plan Documents within the Local Development Framework)”

and replace with

“(h) Development Plan Documents (i.e. the ‘Local Plan’)”

Add the following:

“(n) Community Infrastructure Levy (Charging Schedule)”

Part 3, Delegations Section 2 – Regulatory Committee Functions

2.5.5 Schedule of Relevant Functions

2.5.5.1 Town and Country Planning and Development Control Functions

Implementation of the Community Infrastructure Levy	Planning Act 2008 and Community Infrastructure Regulations 2010 (as amended)
Serving planning contravention, breach of condition, stop notices or a CIL Stop Notice	Section 171C, 187A and 183(1) Town and Country Planning Act 1990 (ref sections 1, 2 and 9 Planning and Compensation Act 1991) and Planning Act 2008 and Regulation 90 of the Community Infrastructure Levy Regulations 2010 (as amended)

**Appendix G – The Community Infrastructure Levy in Peterborough
– Frequently Asked Questions**

The Community Infrastructure Levy in Peterborough: Frequently Asked Questions

April 2015

This guide is for information only and is intended to help the reader understand what CIL means in practice. It is not a policy document. The guide does not cover the entire CIL Regulations, nor does it cover the full range of development scenarios.

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The Community Infrastructure Levy (CIL) in Peterborough: Frequently Asked Questions

What is CIL?

The CIL is a new planning charge to help deliver infrastructure needed to support development of the area. In simple terms, this 'levy' means that any retail development over 100m², or any size of residential development, if it involves the creation of a new dwelling, in Peterborough will have to pay the city council a financial levy. The city council will collect the money from the liable party (usually the developer or owner) and then spend it on new 'infrastructure' which the city needs to grow sustainably. The levy must be used to support development of an area by 'funding the provision, replacement, operation or maintenance of infrastructure.'

Developers currently have to make a contribution towards new infrastructure under the council's Planning Obligations Implementation Scheme (POIS). Changes in legislation make tariff based systems such as POIS unlawful after 6 April 2015. CIL is a new mechanism for securing these funds.

What is infrastructure? Why do we need it in Peterborough?

The definition of infrastructure is included in the Planning Act 2008 but infrastructure covers a wide range of things. Common examples include: new schools, new parks, play areas, new roads and cycleways, electricity cables and water treatment works. It is essential that we provide new infrastructure at the same time as we build new housing and business development. Life in Peterborough would become very challenging if we didn't provide appropriate infrastructure.

When will the CIL come into effect in Peterborough?

The Council's CIL Charging Schedule will come into effect on 24 April 2015.

I thought the Council already charged developers?

We do, this is currently administered under the council's Planning Obligations Implementation Scheme (POIS). However changes to legislation means that POIS becomes unlawful after 6 April 2015. The Council intends to revoke its POIS SPD at the same time it adopts CIL.

Who will pay the CIL?

A development will be liable to pay CIL if:

- It is a type for which a rate has been set in the Council's Charging Schedule;
- If it is a building that people normally go into, and if on completion of the development the increases in floorspace will be more than 100 sq.m;
- It is creating one or more dwellings;
- If it involves the change of use of a building that has been out of use for a period of time, it may be liable.

Most residential and retail developments will have to pay CIL. But there are some key areas where exemptions and reliefs can apply:

- Householder development involving a standard size new house extension or garage;
- Small business developments, under 100 sq.m;
- Affordable housing;
- Some developments built by charities;
- Self-build housing or extensions;
- A change of use with no additional floorspace (if no new dwellings are created);
- Mezzanine floors of less than 200 sq.m inserted into an existing building;
- Change of use from a single dwelling to two or more dwellings;
- The development is a use or area that benefits from a £0 CIL charge.

How much will you have to pay?

It all depends on the new floorspace you provide and what the building will be used for. For every square metre of new floorspace you build that is CIL liable, you will be charged a fixed rate levy. But the levy does change depending on what type of development you build and where it is located.

The calculation involves multiplying the amount of liable new floorspace by the CIL rate for the development type and the index linked figure for the year planning permission was granted. The total is then divided by the index linked figure for the year the Charging Schedule was implemented.

The Council have developed a CIL Calculator to give some guidance as to the amount of CIL that you will be required to pay – www.peterborough.gov.uk. Please note that the calculator will only provide an approximate figure for the CIL amount payable. Detailed calculations will be carried out by the Council's S106 team in accordance with the CIL Regulations.

Who is liable to pay the levy?

The responsibility to pay the levy rests with the ownership of land on which the liable development will be situated. Although liability rests with the landowner, the regulations recognise that others involved in a development may wish to pay. To allow this, anyone can come forward and assume liability for the development.

What are the charges for Peterborough?

The charges are summarised below:

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
Residential development comprising 500 or more dwellings	£0	£0	£0
Supermarkets	£150		
Retail Warehouses	£70		
Neighbourhood Convenience Stores	£15		
All other development	£0		

All charges are £ per sq m

What if existing buildings are being demolished or converted?

The gross floorspace of any existing building on the site that are going to be demolished or reused may be deducted from the calculation of the CIL liability. However, deductions can only be applied where those buildings have been in use for a continuous period of at least six months within a period of three years ending on the day planning permission first permits the development.

How will the levy rates respond to inflation?

In calculating individual charges for the levy, charging authorities are required to apply an annually updated index of inflation to keep the levy responsive to market conditions.

Can I have a worked example, please?

To illustrate what it means in practice, here are some worked examples (The following worked examples are simplified examples to illustrate approximate CIL liability, but please note the don't take account of all development scenarios or indexation – please see our website or contact planningobligations@peterborough.gov.uk in relation to specific proposals):

1. Builder Smith gets planning permission to develop 2 new dwellings on a greenfield site in Wittering (in the High Value Zone). The dwellings have a gross internal area of 125 sq.m each:

The chargeable floorspace is:

$$2 \text{ (dwellings)} \times 125 \text{ sq.m} = 250\text{sq.m}$$

The following formula can then be used:

CIL Rate (R) x Chargeable Floorspace (A)

Builder Smith will therefore have to pay a CIL charge of:

$$£140 \text{ per sq.m} \times 250 \text{ sq.m}$$

$$\text{Total CIL liability} = \text{£35,000}$$

2. Builder Jones gets planning permission to build 5 new private 3 bedroom houses in Werrington (in the Medium Charging Zone), with no 'affordable homes'. Each home has a Gross Internal Area (GIA) of 100 sq m. An existing dwelling that has been in lawful use for six months of the previous three years will be demolished.

The first step is to work out the chargeable floorspace. To work out the chargeable floorspace it is necessary to use the formula below:

$$G_R - K_R - \frac{(G_R \times E)}{G}$$

Where:

G = 500 sq. m (the gross internal area of the development)

G_R = 500 sq. m (the gross internal area of the development charged at the residential rate. This figure is the same as the above as there is only one chargeable use on the site)

E = 100 sq. m (the gross internal area of the house to be demolished)

K_R = 0 sq. m (no existing buildings are to be re-used so this figure is 0)

$$500\text{sq.m} - 0 - \frac{(500\text{sq.m} \times 100)}{500}$$

$$\text{Chargeable floorspace} = 400\text{sq.m}$$

After allowing for demolition, the net increase in floor area is 400 sq. m. The following formula can then be used:

CIL Rate (R) x Chargeable Floorspace (A)

Builder Jones will therefore have to pay a CIL charge of:

$$£120 \text{ per sq m CIL charge} \times 400\text{sq.m}$$

$$\text{Total CIL liability} = \text{£48,000}$$

3. Builder Smith gets planning permission for 30 market housing units in Wittering (in the High value zone) on a greenfield site. All developments of more than 15 dwellings should provide 30% affordable housing. Each home has a floorspace of 100 sq m.

$$\text{Total GIA} = 30 \text{ homes} \times 100 \text{ sq m} = 3,000 \text{ sq m}$$

CIL Rate (R) x Chargeable Floorspace (A)

$$£70 \text{ per sq m CIL charge} \times 3,000 \text{ sq.m}$$

$$\text{Total CIL Liability} = \text{£210,000}$$

However builder Smith has agreed to provide 30% affordable housing. He can apply for relief on the affordable housing element. To benefit from social housing relief the relevant person / organisation must be an owner of the land, must have assumed liability to pay CIL and must have submitted their claim for relief, and received the Council's determination, prior to commencing the chargeable development. In this case the Council receives a claim for 900sq.m social housing relief:

Deduct the GIA eligible for relief from the total GIA:
 Total GIA (3,000 sq.m) – the GIA eligible for relief (900 sq.m) = 2100 sq.m

Recalculate CIL liability:
 2100sq m x £70 per sq m CIL

Revised CIL Liability = £147,000

4. Builder Jones get planning permission for 16 apartments in the City Centre. All developments of 15 dwellings or more should provide 30% affordable housing.

Builder Jones will not be required to pay any CIL. Apartment developments of 15 or more dwellings are not require to pay CIL in Peterborough.

5. Builder Smith gets planning permission for 500 dwellings in Hampton. Each home has a floorspace of 100 sq.m.

Builder Smith will be not be liable for any CIL as residential developments of 500 dwellings or more have a £0 CIL rate.

Residential developments of 500 dwellings or more will continue to meet their infrastructure requirements through S106 planning obligations.

When will CIL be paid?

It all depends on when you start your development (CIL is payable on commencement of development) and how big the 'chargeable amount' is. The city council has published an Instalment Policy. The Instalment Policy is summarised below:

Chargeable amount	Number of Instalments	Amount or proportion of CIL payable in any instalment/time at which payments are due
£75,000 or less	1	Total amount payable within 180 days of commencement of development
£75,001 - £500,000	3	Instalment 1: 25% of full payment within 60 days of commencement date Instalment 2: 50% of full payment within 360 days of commencement date Instalment 3: 25% of full payment within 540 days of commencement date
£500,001 or more	4	Instalment 1: 25% of full payment within 60 days of commencement Instalment 2: 25% of full payment within 360 days of commencement Instalment 3: 25% of full payment within 540 days of commencement Instalment 4: 25% of full payment within 720 days of commencement

If my development is phased, when is CIL payable?

The CIL Regulations permit CIL payments to be phased where the planning permission specifies that the development will be phased. In this case, each phase will be treated as a separate CIL chargeable

development and CIL payments relating to each phase can be made in line with the Council's CIL Instalments Policy.

What happens if I don't pay CIL charges?

Unlike S106 obligations, CIL is a mandatory and non-negotiable planning charge and there are penalties and surcharges for non-payment, including the option to pay by instalment being automatically withdrawn. There are also strong enforcement powers, including Stop Notices, surcharges and prison terms.

What is the relationship between CIL and planning obligations?

Planning obligations (funding agreements between the local planning authority and the developer) will continue to play an important role in helping to make individual developments acceptable. However, reforms have been introduced to restrict the use of planning obligations.

The CIL levy is intended to provide infrastructure to support the development of an area rather than to make individual planning applications acceptable in planning terms. As a result, there may still be some site specific impact mitigation requirements without which a development should not be granted planning permission (e.g. affordable housing, local highway and junction improvements and landscaping). Therefore, there is still a legitimate role for development planning obligations to enable a local planning authority to be confident that the specific consequences of development can be mitigated. The Council's approach to planning obligations is set out in its Developer Contributions SPD.

If I am submitting a planning application. How can I find out more about CIL and what I need to do for my planning application submission?

For more detailed information in relation to CIL liability applicants should contact the Council's S106 team at planningobligations@peterborough.gov.uk .

Where can I get the appropriate forms?

The forms are available on the Council's website at www.peterborough.gov.uk or on the planning portal website at www.planningportal.gov.uk .

What will the council spend the money on?

CIL will pay for infrastructure to support new development such as roads, open spaces, schools and community buildings. It can be used to pay for strategic infrastructure serving a wide area, such as improvements to the parkway system or electronic traffic management systems; or it can be local infrastructure such as a community building within a village.

Some of the money we are going to devolve down to local areas to decide how they spend it.

How the money has been spent will be set out in an annual report.

The Council has published what is known as a Regulation 123 List which states what infrastructure CIL can be used to fund, in whole or in part. The Regulation 123 List is summarised below:

Strategic / city wide impact transport projects (excluding specific improvements necessary to make a development acceptable in planning terms)
Education facilities*
Health facilities*
Indoor Sports and recreation facilities*
Library, museum and life-long learning facilities*
Waste Management infrastructure*
Emergency services*

Strategic Open Space
Strategic flood risk management schemes (excluding flood risk measures required to facilitate the alleviation of flood risk in relation to a development site)
Public realm
Crematorium and burial grounds
* excluding where requirements are directly related to residential development comprising 500 dwellings or more

Tell me more about contributions being devolved to local areas

The city council is committed to passing more control and influence down to local communities, so that local communities can decide what the priorities are for spending resources.

CIL Regulations dictate that a Neighbourhood Proportion is passed on to local communities where development has taken place. This proportion to be passed on is highlighted in the table below:

CIL Revenue split	Proportion of total CIL where development has taken place
Neighbourhood Proportion – no Neighbourhood Plan	15% - capped at £100 per existing council tax dwelling
Neighbourhood Proportion - adopted Neighbourhood Plan	25% - uncapped

Unparished areas (usually wards in urban areas) will not hold CIL funds. In such areas the Council will retain the 15% - 25% of Levy receipts but will engage with the communities where development has taken place and agree with them how best to spend that neighbourhood funding.

Town and Parish Councils will be required to produce an annual report outlining their use of their share of CIL receipts.

Will CIL pay for everything?

No. We will need to secure funding from a wide range of other sources, including the private sector, government grants and from our own resources. Developers will only be asked to pay a fair share at a level they can afford.

How will CIL be monitored?

To ensure that the levy is open and transparent, charging authorities must prepare short reports on the levy for the previous financial year which must be placed on their websites by 31st December each year. These reports will set out how much revenue from the levy has been received, what it has been spent on and how much is left.

Is all this CIL process finalised then?

No CIL is an ongoing process and will be subject to monitoring and review. Further information in relation to CIL can be found on the Council's website – www.perterborough.gov.uk

Where can I find out more about CIL?

More information on CIL is available from the following websites:

- Department for Communities and Local Government - <https://www.gov.uk/government/policies/giving-communities-more-power-in-planning-local-development/supporting-pages/community-infrastructure-levy>
- The Planning Advisory Service - <http://www.pas.gov.uk/pas/core/page.do?pageld=122677>