

SUSTAINABLE GROWTH AND ENVIRONMENT CAPITAL SCRUTINY COMMITTEE	Agenda Item No. 7
17 JULY 2014	Public Report

Report of the Director of Growth and Regeneration

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PETERBOROUGH DRAFT DEVELOPER CONTRIBUTIONS SUPPLEMENTARY PLANNING DOCUMENT (SPD)

1. PURPOSE

- 1.1 The purpose of this report is to seek the views of Committee on the proposed changes to the way developer contributions (S106 agreements) will be negotiated in the future. The proposed changes respond to statutory and regulatory changes by Government and are also set in the context of the anticipated adoption of the Peterborough Community Infrastructure Levy (CIL).

2. RECOMMENDATIONS

- 2.1 To obtain the views of the Committee on the Peterborough Draft Developer Contributions Supplementary Planning Document (SPD) (see Appendix A) before it is presented to Cabinet on 28 July for approval for public consultation. Any views made by the Committee will be included in to the Cabinet Agenda papers, so that Cabinet are fully aware of the Committee's views prior to making a decision.

3. LINKS TO THE SUSTAINABLE COMMUNITY STRATEGY

- 3.1 The Draft Developer Contributions SPD links to the SCS as it identifies how infrastructure will be delivered to meet the Council's growth targets.

4. BACKGROUND

- 4.1 The current system for securing infrastructure and developer contributions is through a combination of planning conditions and S106 agreements, with the latter informed by the Council's Planning Obligations Implementation Scheme (POIS) SPD adopted in February 2010.
- 4.2 The national system governing planning conditions remains largely unchanged. However, Government has introduced a number of changes to the way local authorities can collect and distribute developer contributions. In order to continue to secure developer contributions for investment in the infrastructure considered critical to accommodate our growth targets and maintain sustainable communities, the Council needs to make changes to its existing systems and processes.
- 4.3 The main changes will be through the adoption of a Community Infrastructure Levy (CIL). The final draft version of our proposed CIL was presented to this Committee on 7 April 2014 and is due to be approved for public consultation by Full Council on 23 July 2014. CIL is a charge that the Council can levy on most new development to fund infrastructure improvements. Once CIL has been consulted upon, approved through independent examination and adopted by Council, it will replace the current POIS system and will become the main mechanism for securing developer contributions.

- 4.4 Although CIL will be the main system for funding future infrastructure, S106 planning obligations will still be used to fund any necessary on site related infrastructure such as open space provision and site specific access arrangements. Also, the provision of affordable housing is outside the CIL process and therefore can only be delivered via the use of S106 agreements.
- 4.5 Therefore, to make it clearer for everyone, it is considered prudent to prepare a Developer Contributions SPD to set out the relationship between planning conditions, S106 agreements and CIL and to make it clear what infrastructure will be funded by the different mechanisms.
- 4.6 A Draft SPD is presented with this agenda item. Please note, the SPD is written on the assumption that it is adopted at the same time a CIL is adopted for Peterborough. It will not be appropriate to adopt the SPD in advance of a CIL. If, for whatever reason, a CIL is not adopted for Peterborough, this SPD will need considerable redrafting and be subject to further public consultation.

5. KEY ISSUES

- 5.1 The Developer Contributions SPD does not set new policy. It provides a framework for the implementation of existing policies contained in the adopted Core Strategy DPD (2011) and Planning Policies DPD (2012) relating to the impacts of new development and provision of new infrastructure.
- 5.2 The SPD will;
- Clarify the relationship between planning conditions, planning obligations and the Peterborough Community Infrastructure Levy (CIL);
 - Explain how developer contributions which are not provided for through the Community Infrastructure Levy, might be sought through the use of planning obligations;
 - Help ensure the timely provision of infrastructure to support growth;
 - Aid the smooth functioning of the planning application process by explaining the Council's process and procedures for using planning obligations;
 - Assist in securing both local and national objectives in respect of the provision of sustainable development in Peterborough.
- 5.3 This new SPD will supersede the POIS SPD which will need to be formally revoked at the same time this SPD is adopted.
- 5.4 Although CIL will replace some elements of S106 planning obligations, S106 obligations will still play an important role in securing on site infrastructure. They will be used for site-specific infrastructure or mitigation required to make a development acceptable in planning terms. The principle is that all eligible developments must pay a CIL as well as any necessary site specific requirement to be secured through S106 obligations.
- 5.5 For clarity and transparency, it is important to identify the relationship between S106 obligations and CIL; and to make clear the circumstances when each will or will not be used. This relationship is set out clearly in the SPD.
- 5.6 The types of infrastructure that CIL and S106 contributions will be sought for are:
- Transport
 - Education
 - Affordable Housing
 - Lifetime & Wheelchair Homes
 - Primary Health Care
 - Crematoria/Burial grounds

- On site Open Space
- Strategic Open Space and Green Infrastructure
- Indoor Sports Facilities
- Community Facilities
- Libraries and Life Long Learning
- Public Realm / Urban Design
- Waste Management
- Site Drainage and Flood Risk Management

5.7 The Draft Developer Contributions SPD sets out when S106 agreements will be used to secure developer contributions. It sets out any thresholds that apply and also gives an indication of likely cost. It may not always be necessary or appropriate to seek contributions for each infrastructure type as such matters are addressed on a case by case basis.

Affordable Housing

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

Strategic Sites

5.9 A lower CIL rate for residential development on all strategic sites of 500 dwellings or more is proposed to reflect the range of infrastructure to be provided by the developer directly on site or via an S106 agreement.

5.10 This Draft SPD sets out what the likely cost would be for different types of infrastructure. Nevertheless, each application would be negotiated on a case by case basis (unlike CIL, which is non-negotiable).

6. IMPLICATIONS

6.1 **Legal** – The proposed changes to CIL and S106 agreements will have legal implications relating to implementation, monitoring and enforcement.

Financial Implications - There will be financial implications in terms of the way the Council collects, administer and spends S106 receipts and how this will fit with CIL

Human Resources – The SPD can be delivered within existing resources.

6.2 The developer Contributions SPD will have implications city wide.

7. CONSULTATION

7.1 Subject to Cabinet approval, public consultation will take place in August and September 2014.

8. NEXT STEPS

8.1 The Developer Contributions SPD will be presented to Cabinet on 28 July 2014.

8.2 Public consultation will take place alongside the CIL Draft Charging Schedule in August and September 2014.

8.3 A final of version of this SPD is expected to be adopted at the same time as CIL, by April 2015

9. BACKGROUND DOCUMENTS

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

- 9.1
 - Peterborough Community Infrastructure Levy (CIL) Draft Charging Schedule
 - Peterborough Community Infrastructure Levy (CIL) Draft Charging Schedule Supporting Documents

10. APPENDICES

- 10.1
 - Appendix A - Peterborough Draft Developer Contributions SPD