

**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.

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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](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.

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			<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 <a href="http://www.anglianwater.co.uk/developers/pre-planning-service-.aspx">http://www.anglianwater.co.uk/developers/pre-planning-service-.aspx</a></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>	Comments noted. Impacts on the historic environment will be defined on a case by case basis.	No change necessary.
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>	Comments noted. It will not be possible to provide indicative costs for all types of infrastructure	No change necessary.

			<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"> <li>1. Necessary to make the development acceptable in planning terms;</li> <li>2. Directly related to the development; and</li> <li>3. Fairly and reasonably related in scale and kind to the development.</li> </ol> <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"> <li>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)</li> <li>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</li> </ol>	Comments noted.	Any reference to the 'Building Schools for the Future Programme have been deleted.

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			government back in 2010 and cannot therefore secure the community use of school facilities.		
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