



# Developer Contributions Supplementary Planning Document July 2019

This document is a version for Cabinet consideration on 17 June 2019. If approved by Cabinet on 17 June, and if the Peterborough Local Plan is adopted by Full Council on 24 July 2019, then this text box will include the following text on the final publication SPD:

*This Supplementary Planning Document was approved by a meeting of Peterborough City Council's Cabinet on 17 June 2019, and brought into effect as an adopted document for the purpose of decision making on 25 July 2019.*

**Peterborough City Council**

Sand Martin House  
Bittern Way  
Fletton Quays  
Peterborough  
PE2 8TY  
Tel: (01733) 863872

[www.peterborough.gov.uk](http://www.peterborough.gov.uk)

## Contents

Executive Summary.....	iii
1. Introduction.....	1
1.1. About this SPD .....	1
1.2. About Developer Contributions .....	1
1.3. The process of agreeing contributions and taking account of viability .....	2
2. Transport.....	4
2.1. Introduction.....	4
2.2. Requirement for sites of fewer than 500 dwellings.....	4
2.3. Requirement for sites of 500 or more dwellings .....	4
2.4. Requirement for non-residential uses .....	5
3. Education .....	5
3.1. Introduction.....	5
3.2. Requirement for sites of fewer than 500 dwellings.....	5
3.3. Requirement for sites of 500 or more dwellings .....	6
3.4. Requirement for non-residential uses .....	6
4. Affordable housing.....	6
4.1. Introduction.....	6
4.2. Requirement for sites of fewer than 500 dwellings.....	7
4.3. Requirement for sites of 500 or more dwellings .....	7
4.4. Requirement for non-residential uses .....	7
5. Health facilities .....	7
5.1. Introduction.....	7
5.2. Requirement for sites of fewer than 500 dwellings.....	8
5.3. Requirement for sites of 500 or more dwellings .....	8
5.4. Requirement for non-residential uses .....	8
6. Open space, outdoor sports and recreational facilities and green infrastructure .....	8
6.1. Introduction.....	8
6.2. Requirement for sites of fewer than 500 dwellings.....	9
6.3. Requirement for sites of 500 or more dwellings .....	11
6.4. Requirement for non-residential uses .....	11
7. Community and Leisure.....	12
7.1. Introduction.....	12
7.2. Requirement for sites of fewer than 500 dwellings.....	12
7.3. Requirement for sites of 500 or more dwellings .....	12
7.4. Requirement for non-residential uses .....	12
8. Waste management.....	13
8.1. Introduction.....	13

## Peterborough City Council Developer Contributions SPD – July 2019

---

8.2. Requirement for sites of fewer than 500 dwellings.....	13
8.3. Requirement for sites of 500 or more dwellings .....	13
8.4. Requirement for non-residential uses .....	13
9. Other Potential Development Specific Requirements.....	14
Appendix A .....	15
Approach for S106 Agreements and Unilateral Undertakings.....	15
Appendix B .....	17
Viability Assessments.....	17
Appendix C .....	19
Playing Pitch Strategy Developer Contributions Toolkit.....	19

## Executive Summary

This Developer Contributions Supplementary Planning Document (SPD) identifies what will be expected from developers of sites in Peterborough to ensure that development adequately funds infrastructure to support its impacts in a wide number of areas.

It sets out the process for negotiating S106 planning obligations and clarifies the relationship between the Community Infrastructure Levy (CIL) and other obligations for a variety of site sizes and for different uses. It also provides information about the expectations for viability assessments in Peterborough.

This SPD goes into the detail of what may be sought from development proposals and in what circumstances and provides some justification for these requirements. The general summary of this is provided in Table 1 below, but this should be used as a quick referencing guide only and is not a substitute for the full policy requirements as set out in any relevant DPD, CIL related policies, the main part of this SPD or national policy. Anything below which appears to contradict any statement in those documents should be disregarded in favour of the requirements set out in those policy documents. It is highly recommended that the council's pre-application service is used in order to establish what will be sought from a scheme given that the exact requirement will vary dependent on the proposals and their precise impacts.

Table 1: Summary of Requirements for Contributions

Theme	Requirements from sites of less than 500 dwellings	Requirements from sites of 500 or more dwellings	Requirements from other uses
<b>Transport</b>	<ul style="list-style-type: none"> <li>Provision of a Transport Statement for sites of 50-80 dwellings.</li> <li>Provision of a Transport Assessment and a Travel Plan for sites of 80 or more dwellings.</li> <li>CIL contributions towards strategic or city-wide impact transport projects.</li> <li>Planning obligations necessary to mitigate any direct impact on the highway network.</li> </ul>	<ul style="list-style-type: none"> <li>Provision of a Transport Assessment and a Travel Plan.</li> <li>Planning obligations necessary to mitigate any direct impact on the highway network.</li> </ul>	<ul style="list-style-type: none"> <li>Provision of a Transport Statement, Transport Assessment and/or Travel Plan as needed in accordance with Department for Transport guidance.</li> <li>CIL contributions towards strategic or city-wide impact transport projects from supermarkets, retail warehouses and district convenience stores.</li> <li>Planning obligations necessary to mitigate any direct impact on the highway network.</li> </ul>
<b>Education</b>	<ul style="list-style-type: none"> <li>CIL Contributions.</li> <li>The provision of land for an education facility may be sought where capacity issues mean it is necessary to make the scheme acceptable in planning terms.</li> </ul>	<ul style="list-style-type: none"> <li>The delivery of new education facilities on-site through the delivery of the facilities to an agreed specification, or the provision of land at nil cost to the council.</li> <li>If more appropriate than on-site provision, contributions towards the provision of an off-site facility.</li> </ul>	
<b>Affordable housing</b>	<ul style="list-style-type: none"> <li>For sites of 15 or more dwellings 30% affordable housing will be sought, in line with Local Plan policy.</li> <li>The tenure and type of affordable housing will be informed by the latest SHMA</li> </ul>	<ul style="list-style-type: none"> <li>30% affordable housing will be sought in line with Local Plan policy.</li> <li>The tenure and type of affordable housing will be informed by the latest SHMA but will typically be</li> </ul>	<ul style="list-style-type: none"> <li>No requirement from other non-residential uses, nor from care homes, nursing homes or purpose-built student accommodation.</li> </ul>

## Peterborough City Council Developer Contributions SPD – July 2019

Theme	Requirements from sites of less than 500 dwellings	Requirements from sites of 500 or more dwellings	Requirements from other uses
	but will typically be 70% affordable rent and 30% intermediate in the form of shared ownership.	70% affordable rent and 30% intermediate in the form of shared ownership.	
<b>Health facilities</b>	<ul style="list-style-type: none"> <li>• CIL contributions.</li> <li>• The provision of land for a health facility may be sought where capacity issues mean it is necessary to make the scheme acceptable in planning terms.</li> </ul>	<ul style="list-style-type: none"> <li>• The delivery of new health facilities on-site through the delivery of the facilities to an agreed specification, or the provision of land at nil cost to the Clinical Commissioning Group.</li> <li>• If more appropriate than on-site provision, contributions towards the provision of an off-site facility.</li> </ul>	<ul style="list-style-type: none"> <li>• CIL contributions from schemes for supermarkets, retail warehouses and district convenience stores.</li> </ul>
<b>Open space and green infrastructure</b>	<ul style="list-style-type: none"> <li>• CIL contributions.</li> <li>• For sites of 15-40 dwellings, contributions toward provision of LAP, LEAP, NEAP, natural greenspace, allotments and playing pitches, usually off-site, and provision of a neighbourhood park either on-site or off-site.</li> <li>• For sites of 41-499 dwellings, provision of one or more neighbourhood park, LAP, LEAP, NEAP, and allotments either on-site or off-site and contributions towards natural greenspace and playing pitches off-site.</li> <li>• Costs for any off-site provision are included in Table 6 of this document.</li> </ul>	<ul style="list-style-type: none"> <li>• On-site provision of LAP, LEAP, NEAP, neighbourhood parks, natural greenspace, allotments, playing pitches, Country Park and synthetic turf pitches may be sought.</li> </ul>	<ul style="list-style-type: none"> <li>• CIL contributions from schemes for supermarkets, retail warehouses and district convenience stores.</li> </ul>
<b>Community and leisure</b>	<ul style="list-style-type: none"> <li>• CIL contributions that may be used for indoor sports and recreation facilities, and library, museum and lifelong learning facilities.</li> </ul>	<ul style="list-style-type: none"> <li>• Provision of either serviced land at nil cost to the council or its partners, or the delivery of specific community and/or leisure facilities to any agreed specified standard.</li> </ul>	<ul style="list-style-type: none"> <li>• CIL contributions from schemes for supermarkets, retail warehouses and district convenience stores.</li> </ul>
<b>Waste management</b>	<ul style="list-style-type: none"> <li>• CIL contributions.</li> <li>• Meeting the standards set out in Appendix E of the Local Plan.</li> <li>• Any specific waste infrastructure needed to make the proposal acceptable in planning terms.</li> </ul>	<ul style="list-style-type: none"> <li>• Meeting the standards set out in Appendix E of the Local Plan.</li> <li>• Any other specific waste infrastructure needed to make the proposal acceptable in planning terms.</li> </ul>	<ul style="list-style-type: none"> <li>• Meeting the standards set out in Appendix E of the Local Plan.</li> <li>• Any specific waste infrastructure needed to make the proposal acceptable in planning terms.</li> </ul>
<b>Other requirements</b>	<ul style="list-style-type: none"> <li>• Other requests may be sought dependant on the nature and scale of the scheme. All requirements will be necessary to make the scheme acceptable in planning terms and will be subject to any national</li> </ul>	<ul style="list-style-type: none"> <li>• Other requests may be made dependant on the nature and scale of the scheme. All requirements will be necessary to make the scheme acceptable in planning terms and will be subject to any national</li> </ul>	<ul style="list-style-type: none"> <li>• Other requests may be made dependant on the nature and scale of the scheme. All requirements will be necessary to make the scheme acceptable in planning terms and will be subject to any national</li> </ul>

## Peterborough City Council Developer Contributions SPD – July 2019

---

Theme	Requirements from sites of less than 500 dwellings	Requirements from sites of 500 or more dwellings	Requirements from other uses
	pooling restrictions which apply at the time.	pooling restrictions which apply at the time.	pooling restrictions which apply at the time.

## 1. Introduction

### 1.1. About this SPD

- 1.1.1. The purpose of this Supplementary Planning Document (SPD) is to set out Peterborough City Council's approach towards securing funding from developers to provide necessary infrastructure to support development.
- 1.1.2. In April 2015 the city council adopted its Community Infrastructure Levy (CIL) which sets a clearly defined tariff-style payment that is required from the majority of developments. However, it will sometimes be necessary to obtain funding through other means to make a planning application acceptable in planning terms and this SPD clarifies the relationship between CIL and other developer contributions. It replaces the previous version of this document which was published in April 2015.
- 1.1.3. This SPD provides a framework for implementation, amongst other matters, of existing policies contained in the adopted Peterborough Local Plan (July 2019) relating to the impacts of development. This SPD supports in particular policies LP13: Transport, LP14: Infrastructure to Support Growth, LP21: New Open Space, Sport and Recreation Facilities, and LP22: Green Infrastructure Network, of the Peterborough Local Plan.

### 1.2. About Developer Contributions

- 1.2.1. When assessing a planning application, the city council can take into account what is necessary to make an application acceptable in planning terms through 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**); and
  - **Section 278 agreements** under the Highways Act 1980.
- 1.2.2. More details about the use of these mechanisms in the planning process is available in the [Planning Practice Guidance](#) available on the GOV.UK website.
- 1.2.3. All eligible development proposals for fewer than 500 dwellings or for supermarkets, retail warehouses and neighbourhood convenience stores will be required to pay CIL at the rate set out in the [Peterborough CIL Charging Schedule](#)<sup>1</sup>. However, other contributions may also be sought on sites of fewer than 500 dwellings where this is necessary to make the application acceptable in planning terms by mitigating the impacts of the proposed development.
- 1.2.4. For developments of 500 or more dwellings, or for other uses not listed in the CIL Charging Schedule, CIL will not be charged, and contributions towards infrastructure necessary to support the growth will be sought through other forms of developer contributions.
- 1.2.5. Obligations will only be sought where they satisfy the tests set in the NPPF and in the CIL Regulations, specifically (at the time of adopting this SPD) where they are:
- necessary to make the development acceptable in planning terms;

---

<sup>1</sup> Available at: <https://www.peterborough.gov.uk/council/planning-and-development/planning-and-building/community-infrastructure-levy/>

- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

1.2.6. For more information on CIL, see the [CIL Supporting Policies Document](#)<sup>2</sup>.

### 1.3. The process of agreeing contributions and taking account of viability

1.3.1. Where obligations are being sought, the process will typically be as follows:

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<sup>3</sup>.
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 and the charge for this is paid for by the applicant.
4. S106 Agreement / Unilateral Undertaking is signed and sealed and planning permission can then be granted.
5. The agreed Planning Obligations and their relevant triggers 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.

1.3.2. It is recommended that all applicants engage with the city council at the earliest opportunity through the pre-application service to understand what impacts are anticipated and therefore what contributions may be sought. A detailed breakdown of the process for S106 Agreements and Unilateral Undertakings is provided in Appendix A.

1.3.3. It is important that the infrastructure costs sought through CIL and through S106 contributions are considered at the outset by applicants. The financial impacts of these costs should be factored into viability considerations at the outset when land is acquired.

1.3.4. Planning obligations or conditions may be sought to mitigate the impact from new development on a wide range of infrastructure, services or constraints. This SPD details the requirements that may be sought in relation to a number of different themes which are anticipated to be the main topic areas where obligations will be sought.

1.3.5. Planning obligations 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 and again for the Local Plan. The viability assessments tested the impact of the proposed CIL rates, alongside Local Plan policies and planning obligations on development and found that residual land values would still incentivise landowners to make land available.

1.3.6. The costs arising from CIL and other planning conditions or obligations should be factored into land purchase price at the outset and it will not normally be accepted that viability would prevent the identified planning obligations from being paid for. However, it is recognised that 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

---

<sup>2</sup> Available at: <https://www.peterborough.gov.uk/council/planning-and-development/planning-and-building/community-infrastructure-levy/>

<sup>3</sup> Available at: <https://www.peterborough.gov.uk/council/planning-and-development/planning-and-building/apply-for-planning-building-permission/>

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.

- 1.3.7. In order to determine such applications the applicant is required to submit an 'open book' viability assessment to the council. The applicant should use the Homes and Communities Agency Development Appraisal Tool. 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.
- 1.3.8. Appendix B includes the schedule of information to be provided as part of a Financial Viability Assessment on any development scheme.
- 1.3.9. Submitted viability assessments will be 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.
- 1.3.10. 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.

## 2. Transport

### 2.1. Introduction

- 2.1.1. 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.
- 2.1.2. The requirements for development proposals to manage and mitigate any impacts arising from growth is set out in Local Plan Policy LP13: Transport.

### 2.2. Requirement for sites of fewer than 500 dwellings

- 2.2.1. All development proposals will be required to deliver any improvements necessary to make the proposal acceptable in planning terms. For sites of fewer than 500 dwellings CIL payments will be made and may contribute to strategic or city wide impact transport projects.
- 2.2.2. 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 which could be in addition to CIL.
- 2.2.3. Provision to be made for site-specific impacts can be made through Planning Conditions or a S106 Planning Obligation. In most circumstances the obligation will be on the developer to implement the approved works via the relevant legal 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 any national limitations on pooling funds from different schemes imposed by any CIL Regulations applying at the time of the decision.
- 2.2.4. In order to identify the likely impacts of a development the council may ask the applicant to provide an assessment of the anticipated transport impacts and possible mitigation. Typically these will be in the form of a Transport Statement (TS), for sites between 50 and 80 dwellings, a Transport Assessment (TA) and a Travel Plan (TP), for sites of 80 or more dwellings. Other site or development-specific attributes may result in the council requiring an additional assessment and examples of these occasions are available in [Department for Transport guidance](#)<sup>4</sup>. Early engagement with the council through the pre-application advice service will identify specific measures required for the proposed scheme.

### 2.3. Requirement for sites of 500 or more dwellings

- 2.3.1. All development proposals of 500 or more dwellings will be required to deliver any improvements necessary to make the proposal acceptable in planning terms, but will not be required to pay CIL.
- 2.3.2. Proposals will be required to be accompanied by a TA and TP to identify any accessibility issues, the transport impacts of the proposed scheme and proposed mitigation. More information on what will be expected in a TP could be available on the [Travelchoice website](#)<sup>5</sup>.

---

<sup>4</sup> Available at:

<http://webarchive.nationalarchives.gov.uk/+/http://www.dft.gov.uk/adobe/pdf/165237/202657/guidanceontaappen.dixb>

<sup>5</sup> Available at: <http://www.travelchoice.org.uk/>

2.3.3. Transport improvements to be delivered will be agreed through S106 agreements and will be negotiated on a case by case basis, and will be subject to any national limitations on pooling funds from different schemes imposed by any CIL Regulations applying at the time of the decision.

## 2.4. Requirement for non-residential uses

2.4.1. All development proposals will be required to deliver any improvements necessary to make the proposal acceptable in planning terms. Supermarkets, retail warehouses and neighbourhood convenience stores will also be required to pay CIL and may also be required to produce a TS, TA or TP. Other non-residential uses will not pay CIL and mitigation for any impacts will be negotiated on a case-by-case basis through S106 agreements, and will be subject to any national limitations on pooling funds from different schemes imposed by any CIL Regulations applying at the time of the decision.

2.4.2. Thresholds for different uses where a TS, TA and / or a TP will likely be required, as well as exceptions to these thresholds, is provided in [Department for Transport guidance](#)<sup>6</sup>.

## 3. Education

### 3.1. Introduction

3.1.1. 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.

3.1.2. Development of new homes creates a need for additional school places at early years centres, primary schools, 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 Local Plan period and beyond.

3.1.3. The enhancement and expansion of the education offer in the city is a key component of the essential infrastructure to be delivered through development as is identified in Local Plan Policy LP14: Infrastructure to Support Growth.

3.1.4. The city council's [School Organisation Plan](#)<sup>7</sup> contains an assessment of pupil numbers and projections and the likely areas where there is pressure for school places. This will help inform where investment is needed and where any obligations will be sought for education.

### 3.2. Requirement for sites of fewer than 500 dwellings

3.2.1. For sites of fewer than 500 dwellings CIL payments will be made to contribute to the provision of educational facilities. For most sites under 500 dwellings this will be the only contribution to be made for education.

3.2.2. The availability of suitably located land to expand existing schools or to deliver new schools is a barrier to the enhancement of the education provision in the city. As such, where a site is within the catchment area of a school (or schools) which are at capacity and it is unable to expand on its existing site and where there are no identified solutions for expanding the local

<sup>6</sup> Available at:

<http://webarchive.nationalarchives.gov.uk/+/http://www.dft.gov.uk/adobe/pdf/165237/202657/guidanceontaappen.dixb>

<sup>7</sup> Available at: <https://www.peterborough.gov.uk/residents/schools-and-education/school-organisation-plan/>

## Peterborough City Council Developer Contributions SPD – July 2019

---

education provision, land for a new school site may be sought (usually fully serviced and at nil cost to the council) where this would be necessary to make the proposal acceptable in planning terms.

3.2.3. Furthermore, where a site is located immediately adjacent to a school site and it may offer a rare opportunity to expand the school, the provision of land may be sought, where this is necessary to make the scheme acceptable in planning terms.

3.2.4. Where land is being sought this will be dealt with on a case-by-case basis through negotiation and other obligations which ordinarily would have been sought may be offset against the land provided, dependant on the specific circumstances.

### 3.3. Requirement for sites of 500 or more dwellings

3.3.1. For sites of 500 or more dwellings, obligations will be sought for new education facilities through S106 negotiation. This could include, but is not limited to:

- The on-site provision of land within the development to accommodate identified education facilities, usually fully serviced land provided by the developer at nil cost to the city council;
- Contributions towards a facility in an off-site location (where this is more appropriate than on-site provision). Where more than 50% of need for the off-site infrastructure is generated by the proposal itself, a proportionate financial contribution to purchase the land, or provision of the land as an in-kind payment, will be required;
- The construction of, or funding for the construction of, education facilities, including the facilities being built to an agreed specification, where appropriate; 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.

3.3.2. Typically, education provision will be sought on-site for sites of 500 or more dwellings, but it is acknowledged that this may not always be the most appropriate solution. Any contributions will be subject to any national limitations on pooling funds from different schemes imposed by any CIL Regulations applying at the time of the decision.

### 3.4. Requirement for non-residential uses

3.4.1. Supermarkets, retail warehouses and neighbourhood convenience stores will be required to pay CIL, which indirectly may be used to fund education facilities. For all other uses it is not envisaged that any obligations relating to education would be sought.

## 4. Affordable housing

### 4.1. Introduction

4.1.1. Affordable housing is housing that is provided for eligible households who are unable to meet their housing needs in the open market because of the relationship between housing costs and income. It is tightly defined by national policy.

4.1.2. The city council publishes a Housing Strategy to set priorities for Peterborough and what will be done to deliver on these priorities with the latest publication being the [Housing Strategy for 2016-2021](#)<sup>8</sup>. The [Strategic Housing Market Assessment \(SHMA\)](#)<sup>9</sup> provides details of housing need in Peterborough.

<sup>8</sup> Available at: <https://www.peterborough.gov.uk/council/planning-and-development/planning-policies/strategic-housing/>

<sup>9</sup> Available at: [https://www.peterborough.gov.uk/council/planning-and-development/planning-policies/strategic-housing/#StrategicHousing\\_shma](https://www.peterborough.gov.uk/council/planning-and-development/planning-policies/strategic-housing/#StrategicHousing_shma)

4.1.3. Local Plan Policy LP8: Meeting Housing Needs is a detailed policy on how the Council will negotiate affordable housing contributions.

## 4.2. Requirement for sites of fewer than 500 dwellings

- 4.2.1. In line with present CIL Regulations, affordable housing is dealt with through S106 planning obligations.
- 4.2.2. In all cases where a proposal is for 15 or more dwellings (whether this is through new build or conversion) 30% affordable housing will be sought through negotiation. This 15 dwelling threshold will also be applicable on sites below this threshold where it is obviously linked to a subsequent development scheme where the original scheme is extant or up to 5 years following its completion, where combined the schemes would deliver 15 or more dwellings.
- 4.2.3. As is stipulated in Local Plan Policy LP8 this affordable housing will be expected to be delivered on-site unless exceptional circumstances can be demonstrated to justify the provision of homes and/or land off-site through a commuted sum.
- 4.2.4. Contributions for affordable housing will not be required from care / nursing homes or student accommodation, where occupancy is restricted by planning conditions or legal agreements. 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.
- 4.2.5. The precise tenure and types of housing to be sought from a proposal will be informed by the latest SHMA and will form part of the negotiation during the application process, but the city council will typically seek 70% affordable rent and 30% intermediate in the form of shared ownership.

## 4.3. Requirement for sites of 500 or more dwellings

4.3.1. The requirements for sites of 500 or more dwellings are the same as for smaller sites as detailed above.

## 4.4. Requirement for non-residential uses

4.4.1. Non-residential uses will not be asked to contribute to the delivery of affordable housing. Where a scheme is mixed use and includes some residential development, the city council will negotiate on the basis of the residential proportion of the scheme.

# 5. Health facilities

## 5.1. Introduction

5.1.1. Local Plan Policy LP7: Health and Wellbeing sets out a requirement for development proposals to provide developer contributions towards new or enhanced health facilities in line with the requirements of Policy LP14: Infrastructure to Support Growth. This is because 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, investment will be needed in a number of primary care facilities. These facilities may include, but are not limited to:

- GP services;
- Day places and beds; and
- Mental health services

- 5.1.2. With NHS Choices offering the ability to choose where care is received, people no longer have to visit their local surgery or other facility. This means that facilities as a whole across the area may be impacted by new growth rather than just the most local facilities.
- 5.2. Requirement for sites of fewer than 500 dwellings**
- 5.2.1. For the vast majority of sites of fewer than 500 dwellings, contributions towards health facilities will be funded solely through CIL payments. The exception to this will be where there is a specified need for land for health facilities locally and where the provision of this land to provide new health facilities is necessary in order to make the scheme acceptable in planning terms. This will only typically occur on larger sites of 50 or more dwellings. For any scheme over 50 dwellings, the Cambridgeshire and Peterborough Clinical Commissioning Group (CCG) should be consulted at the earliest opportunity to consider whether this provision may be triggered by the scheme.
- 5.3. Requirement for sites of 500 or more dwellings**
- 5.3.1. For sites of 500 or more dwellings, the provision of health facilities or improvements to existing facilities necessary to accommodate the growth coming from the development will be negotiated through Section 106. This may be in the form of the provision of the facility itself or it may be best delivered through the extension to an existing facility or the provision of serviced land for a facility at nil cost to the Cambridgeshire and Peterborough Clinical Commissioning Group (CCG). The provision of facilities or land should be agreed upon through discussion with the city council and the CCG.
- 5.4. Requirement for non-residential uses**
- 5.4.1. Proposals for supermarkets, retail warehouses and neighbourhood convenience stores will, indirectly, contribute to the provision of health facilities through CIL payments. For all other uses it is not envisaged that any obligations relating to health facilities would be sought.

## 6. Open space, outdoor sports and recreational facilities and green infrastructure

(Note: See Community and Leisure for indoor sports provision)

### 6.1. Introduction

- 6.1.1. Open spaces, outdoor sports facilities and green infrastructure are essential infrastructure to support the growing city. They perform a range of functions from enabling active lifestyles and participation in sports and other activities, to providing an essential habitat for wildlife. As the city continues to grow this will create additional pressure on open spaces and the delivery of new and expanded high quality open spaces are essential to ensure adequate quality of life.
- 6.1.2. Local Plan Policy LP21: New Open Space, Sport and Recreation Facilities sets out what will be sought by the city council on sites of a variety of sizes. It stipulates that preference will be for on-site provision of open space but that in some circumstances (as detailed within the policy) off-site provision through financial or in-kind contributions may be acceptable, subject to limitations imposed by the CIL Regulations.
- 6.1.3. The Peterborough [Open Space Strategy Update 2016](#)<sup>10</sup> 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. It also recommends a number of open space standards, based upon the needs across the city, which have been embedded in Policy LP21 of the Local Plan. Other similar evidence

<sup>10</sup> Available at: <https://peterboroughcc.app.box.com/s/chp40k6zwcx7j0zifaba2alfyqtjos48>

## Peterborough City Council Developer Contributions SPD – July 2019

documents may be produced, to further help identify and justify open space and green infrastructure developer contributions.

- 6.1.4. Open space and green infrastructure types can be categorised into strategic and non-strategic types and these are defined as follows:

Table 2: Types of Open Space

Strategic Open Space	Non-Strategic Open Space
<ul style="list-style-type: none"> <li>Country parks</li> <li>Synthetic turf pitches</li> <li>Wider strategic-level projects which establish or enhance habitat connectivity at a larger than local scale</li> </ul>	<ul style="list-style-type: none"> <li>Children's play areas (including LAP, LEAP, NEAP)</li> <li>Neighbourhood Parks</li> <li>Allotments</li> <li>Natural greenspace</li> <li>Playing pitches or other areas for outside sports</li> </ul>

- 6.1.5. The pressure on these open spaces resulting from new development will require mitigation to ensure that the open space standards set out in the Local Plan are achieved. Strategic open spaces will typically be delivered through CIL funding whilst non-strategic open spaces will be provided through S106 contributions in accordance with the requirements of Policy LP21.

## 6.2. Requirement for sites of fewer than 500 dwellings

- 6.2.1. For sites of fewer than 500 dwellings CIL payments made may be used to fund open space improvements. The council has established (and confirmed through Local Plan Policy LP21) an open space provision requirement for a number of thresholds to provide clarity of the expectations for what will be delivered on and off-site on development proposals of a variety of sizes. These requirements are as follows:

Table 3: Open Space Requirements - Type of Provision

Type of open space	Development scheme thresholds for open space provision		
	<15 dwellings	15-40 dwellings	41-499 dwellings
Neighbourhood parks	No requirement	On-site or off-site S106	On-site or off-site S106
Children's play - LAP	No requirement	On-site S106	On-site or off-site S106
Children's play - LEAP	No requirement	Off-site S106	On-site or off-site S106
Children's play - NEAP	No requirement	Off-site S106	On-site or off-site S106
Natural greenspace	No requirement	Off-site S106	Off-site S106
Allotments	No requirement	Off-site S106	On-site or off-site S106
Playing pitches	No requirement	Off-site S106	Off-site S106

- 6.2.2. The Local Plan also establishes quantitative standards, as follows:

Table 4: Open Space Requirements - Amount of Provision

Open Space types for which on-site provision may be required	Ha per 1,000 persons	Equivalent M <sup>2</sup> per person
Children's Play LAP / LEAP / NEAP	0.04	0.4
Neighbourhood parks	1.36	13.6
Allotments	0.29	2.9

## Peterborough City Council Developer Contributions SPD – July 2019

Natural greenspace	0.42	4.2
Playing pitches / outdoor sports	1.0	10

- 6.2.3. These requirements take account of the anticipated pressure resulting from developments of different sizes in accordance with the open space standards detailed in the Open Space Strategy Update 2016. Standards should not be simply added together to generate a total requirement for open space. This is because it may 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.
- 6.2.4. For Table 4 above, converting a development scheme into M<sup>2</sup> requirements will first require a calculation to determine how many people are assumed to occupy the homes once complete. This is done using Office for National Statistics data for average household sizes for household types in Peterborough based on the 2011 Census as shown in Table 5 below.

Table 5: Open Space Requirements - Household Size Assumptions

Household Type	Household size
Flat – 2 bedroom	2.2
House – 1 bedroom	2.2
House – 2 bedroom	2.8
House – 3 bedroom	3.2
House – 4 bedroom	3.4

- 6.2.5. Where the first table above indicates an option for either on or off-site provision, the city council's preference is for on-site provision in a suitable location wherever possible, and the precise type of on-site provision required will depend on the nature and location of the proposal and the open space needs in the area.
- 6.2.6. In certain circumstances it may be more appropriate to make provision at an alternative location off-site. If such off-site provision is agreed by the council to be appropriate, then one of the following two scenarios will apply:
1. Off-site provision may be in the form of an appropriate enhancement or expansion of an existing open space facility/facilities, within a reasonable proximity of the development. In such circumstances, a proportionate financial contribution towards the provision will be required, based on the costs table below.
  2. If option 1 is not possible (because of no locally available open space facility available or in need of upgrade), then a proportionate financial contribution to purchase land, or provision of the land as an in-kind payment, will also be required, in addition to contributions to make the land (and any appropriate equipment) in an appropriate condition for its intended purpose.
- 6.2.7. 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 shortfall.
- 6.2.8. The quantitative standards set out above can be converted into **indicative costs** using the following:

## Peterborough City Council Developer Contributions SPD – July 2019

Table 6: Open Space Requirements - Indicative Costs

Open Space types for which on-site provision may be required	Indicative Cost of Provision £/M <sup>2</sup> (assumes nil land purchase needed)
Children's Play LAP / LEAP / NEAP	£173.38
Neighbourhood parks	£11.48
Allotments	£5.20
Natural greenspace	£8.11
Playing pitches / outdoor sports	See Appendix C for Toolkit and Calculator

- 6.2.9. These costs are based on historic examples delivered by the current grounds maintenance contractor or Spon's External Works and Landscape Price Book 2017 and will be revised annually in line with future additions or indices used within the Grounds Maintenance Contract. The above costs should, therefore, be used as a guide not a fixed cost.
- 6.2.10. The standards set out in this section of the SPD will be applied flexibly although the financial value of what is provided should remain broadly consistent with that calculated when determining the open space requirement for a proposal. 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. Pre-application discussion 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.
- 6.2.11. **Adoption and Maintenance:** The council is normally prepared (but is not legally obliged) 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. This will be subject to a payment towards the future costs of maintenance by the council. This commuted sum is normally calculated for a 20 year period, calculated on the cost to maintain each component of the open space provided. The rates applied will be according to the current Peterborough City Council Grounds Maintenance Contract and any relevant annual revisions will be applied.
- 6.2.12. In addition to all of the above, applicants should be mindful of Part C of Policy LP21, which makes it clear that open space provision over and above the standards set out may be necessary in order to mitigate against the potential of significant adverse effects on a designated nature conservation site. This SPD provides no further clarification or detail on this requirement, therefore the policy on this matter is as set out in the Local Plan. Pre-application advice will assist you in identifying whether this may apply.
- 6.3. Requirement for sites of 500 or more dwellings**
- 6.3.1. The requirements for sites of 500 dwellings or more will be the same as for sites below 500 dwellings, detailed above, with the exceptions that all open space provision will be required on site, and that the provision of a country park or synthetic turf pitches may be sought on site, subject to any national limitations on pooling funds from different schemes imposed by any CIL Regulations applying at the time of the decision.
- 6.4. Requirement for non-residential uses**
- 6.4.1. Proposals for non-residential uses will typically not be required to provide open space or contributions towards open space, unless the proposal would be likely to give rise to additional pressures on open space provision.

- 6.4.2. However, given the physical and psychological benefits that open space offers, the provision of open space as part of a landscaping scheme may be beneficial to be provided on schemes for non-residential uses too.

## 7. Community and Leisure

### 7.1. Introduction

- 7.1.1. 'Community and leisure' can cover a wide range of facilities and services available for use by the public, organisations and business communities. Many of these facilities will perform a number of functions and will be flexible to help meet many social, cultural and leisure needs of the community. These facilities may include, but are not limited to:
- Indoor sports and recreation facilities, such as gyms or swimming pools
  - Community halls
  - Libraries
  - Museums
  - Facilities for lifelong learning
- 7.1.2. Because of the functions performed by these facilities they will often become a hub for the community.
- 7.1.3. Growth in the city applies increased pressure on these services and their availability is also reduced and therefore it is essential that these facilities are enhanced and new facilities are provided to ensure that this wide-ranging and important offer is maintained.

### 7.2. Requirement for sites of fewer than 500 dwellings

- 7.2.1. Mitigation for impacts arising from growth from sites of fewer than 500 dwellings will usually be through CIL payments.

### 7.3. Requirement for sites of 500 or more dwellings

- 7.3.1. New facilities will be sought from developments of 500 or more dwellings where the need for these facilities arises from the proposal and existing facilities cannot accommodate this growth either due to capacity issues or the location of existing facilities not being adequately accessible to the new population. Enhancements for specific existing facilities may be sought where this would be the most suitable mitigation for increased pressure, subject to any national limitations on pooling funds from different schemes imposed by any CIL Regulations applying at the time of the decision.
- 7.3.2. Obligations may include the provision of serviced land and the facilities, or financial contributions to purchase land and for the council and other partners to deliver the facilities or services.
- 7.3.3. Where a facility has been delivered it may need to meet relevant industry or other standards and may be required to be adopted by the council, Vivacity or another partner as necessary. Pre-application discussions will provide an important opportunity to discuss requirements appropriate to the case and what will be sought.

### 7.4. Requirement for non-residential uses

- 7.4.1. Proposals for supermarkets, retail warehouses and neighbourhood convenience stores will typically contribute to leisure and community facilities indirectly through CIL payments. For all other uses it is not envisaged that any obligations relating to community and leisure facilities would be sought.

## 8. Waste management

### 8.1. Introduction

- 8.1.1. Development should 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. These recommendations are set out in both the [Waste Management Plan for England](#)<sup>11</sup> (2013) and the [Cambridgeshire and Peterborough Minerals and Waste Core Strategy](#)<sup>12</sup> (Adopted July 2011) and they are applicable to the design and construction of all schemes from single buildings through to whole communities in the form of urban extensions and new villages.
- 8.1.2. 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 and residential waste storage containers. It should be noted that the Minerals and Waste Development Plan is being updated over the next 1-2 years, and once adopted the provisions within it will then apply. If there is any conflict between what this SPD states and what the updated Minerals and Waste Development Plan states, then the provisions of the Development Plan apply.

### 8.2. Requirement for sites of fewer than 500 dwellings

- 8.2.1. All development proposals should satisfy the recommended standards of the guidance in Appendix E of the Local Plan to accommodate the on-site waste management needs.
- 8.2.2. Should a scheme give rise to the need for a specific piece of waste infrastructure to make it acceptable in planning terms, this may be sought through planning obligations.
- 8.2.3. Pressure on strategic waste facilities will be generated from new development across the city and CIL payments from sites of fewer than 500 dwellings may be used to fund the delivery of an anaerobic digestion plant and a southern householder recycling centre.

### 8.3. Requirement for sites of 500 or more dwellings

- 8.3.1. All development proposals should satisfy the recommended standards of the guidance in Appendix E of the Local Plan to accommodate the on-site waste management needs.
- 8.3.2. Should a scheme give rise to the need for a specific piece of waste infrastructure to make it acceptable in planning terms, this may be sought through planning obligations.

### 8.4. Requirement for non-residential uses

- 8.4.1. All development proposals should satisfy the recommended standards of the guidance in Appendix E of the Local Plan to accommodate the on-site waste management needs.
- 8.4.2. Should a scheme give rise to the need for a specific piece of waste infrastructure to make it acceptable in planning terms, this may be sought through planning obligations.

---

<sup>11</sup> Available at: <https://www.gov.uk/government/publications/waste-management-plan-for-england>

<sup>12</sup> Available at: <https://www.peterborough.gov.uk/upload/www.peterborough.gov.uk/council/planning-and-development/Planning-MineralsWaste-CoreStrategyDPD.pdf?inline=true>

## 9. Other Potential Development Specific Requirements

- 9.1.1. This document has detailed the main areas where provision will likely be sought from development. However the precise circumstances of each development will be different and, therefore, there 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.
- 9.1.2. The list below sets out some additional examples (but by no means exhaustive list) of 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:
- Emergency services;
  - Impacts on the historic environment;
  - Nature conservation mitigation measures;
  - Pollution/air quality mitigation measures;
  - Public realm improvements;
  - CCTV.

## Appendix A

### Approach for S106 Agreements and Unilateral Undertakings

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 process for agreeing Developer Contributions involves a series of steps, set out below, that are designed to ensure that the process is as swift and transparent as possible.

### Legal and Monitoring Processes

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 not confidential documents.

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.

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.

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.

The council will require a payment for the preparation of the legal agreement. The current minimum charge is £720.

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.

### Late Interest Payments

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.

### Triggers for Planning Obligations

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.

## Timing of Developer Contributions Payments

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

## Inflation

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) of the Royal Institution of Chartered Surveyors, however separate indices may be used for affordable housing contributions.

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.

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

## Use of S106 Financial Contributions

When a financial contribution is secured, the use of the funds will be stipulated in the S106 Agreement.

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 Assessments

The city council has tested the viability of development in Peterborough as part of the development of the CIL and as part of the production of the Local Plan, 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. This has shown that sites in Peterborough should normally be viable when policy requirements and planning obligations are taken into account.

The costs arising from CIL and other planning conditions or obligations should be factored into land purchase price at the outset and it will not normally be accepted that viability would prevent the identified planning obligations from being paid for. However, it is recognised that 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.

### Peterborough's approach to viability

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.

The assessment of this information will be considered on a case by case basis, weighing up the benefits of the development against the degree of harm caused from under-provision of the required infrastructure to consider whether planning permission should be approved.

An evidential approach to viability is required detailing 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. The following guidance should be adhered to when submitting viability assessments:

Provision of financial information about the scheme will be on an "open book" basis;
<p>The following should be included in a viability assessment:</p> <ul style="list-style-type: none"> <li>• Electronic version of the viability assessment in the form of the Homes and Communities Agency supported Development Appraisal Toolkit (DAT);</li> <li>• Full Build Cost Plan;</li> <li>• Market Evidence for Sales Rates – set out in a sales and marketing report, including comparables;</li> <li>• Market evidence to support Gross Development Value and the assumptions on yield and financing costs. ;</li> <li>• Market Evidence for Site Value and/or legal evidence of land purchase price;</li> <li>• Development and Sales Programme;</li> <li>• Likely CIL charge including showing payments in line with the adopted Instalments Policy.</li> </ul>
<p>All costs and valuations will be based on current values and costs this includes:</p> <ul style="list-style-type: none"> <li>• Value of residential sales – demonstrated with independent evidence to justify the values;</li> <li>• Value of affordable housing – demonstrated through a statement setting out the assumptions made in relation to tenure, rents, yields, and management costs;</li> <li>• Commercial values – demonstrated through independent evidence to justify the rents, capital values and investment yields assumed;</li> </ul>

## Peterborough City Council Developer Contributions SPD – July 2019

- |  |
|--|
| <ul style="list-style-type: none"> <li>• Build costs – demonstrated in a build cost plan including justification from an accredited quantity surveyor, including information about the quality of construction to be adopted and any industry standards to be incorporated.</li> <li>• Supporting evidence of any identified external works, infrastructure costs and abnormal costs in the form of quotes from contractors and/or consultants;</li> <li>• Planning obligations in accordance with this SPD, any CIL payments to be made and affordable housing at a level consistent with the relevant Local Plan policy should be included in calculations;</li> <li>• Finance costs – details should include borrowing rate and period of borrowing;</li> <li>• Profit – the percentage profit that the scheme will deliver should be included; and</li> <li>• Valuations should comply with RICS valuation standards available at <a href="http://www.rics.org.uk">www.rics.org.uk</a>.</li> </ul> |
| Where necessary, the city council may seek independent valuation advice to review the assessment – this cost will be met by the applicant.   |
| Wherever possible, viability assessments should be provided at pre-application stage to ensure any concerns are raised and can be considered at the earliest possible opportunity.   |
| The inclusion of affordable housing should assume no grant being provided.   |

### What happens if a scheme is not policy-compliant?

If an applicant can demonstrate to the council's satisfaction that the scheme will not be viable when policy considerations and required obligations are factored in, **and** that the scheme would deliver benefits that might outweigh any harm caused by not satisfying the requirements, the council may consider making an exception. Where an exception may be made, the council will consider the following steps in priority order:

- Alternative scheme – if an alternative scheme on the site may be more suitable and more likely to deliver on policy requirements whilst remaining viable, this may be explored at pre-application stage if viability concerns are raised;
- Deferral of planning obligations – if viability would be improved by deferred timing of planning obligations, the delay of some costs arising from on-site infrastructure to coincide with key trigger points in the development or the deferral of financial payments due may be considered, provided adequate protection to ensure these costs will be made can be secured;
- Reduce the amount of planning obligations being sought – where a scheme can be shown not to be viable but it would deliver substantial benefits, as an exception the council may consider a reduction in obligations being sought. This will be the minimum reduction needed to make the scheme viable.

Where the council agrees to defer obligations or reduces the amount of obligation being paid, the council may:

- issue a short permission or secure commitments to ensure early delivery;
- expect developers to bid for additional funding from other sources, such as government grant funds; or
- require mechanisms to be included to capture any uplift in the market to fund infrastructure, usually in the form of overage or clawback clauses in the S106.

Should the council include clauses to capture uplift in the market these will be based on the net profit of the scheme which would constitute a substantial additional net profit secured as additional financial contributions or affordable housing. These clauses will require a reassessment of costs and values of the scheme near to the end of development being completed, typically where approximately 90% of the scheme has been completed. This revaluation will be an independent assessment, such as by the District Valuer with the costs being met by the developer. Enhanced values and profits will exclude grant input received and will be limited to the full policy requirement of the scheme.

## Appendix C

### Playing Pitch Strategy Developer Contributions Toolkit

#### Introduction

This is a step by step guide to securing developer contributions for playing pitch and outdoor sports facilities in Peterborough using the [Playing Pitch Strategy](#) (PPS).

For any application warranting a developer contribution the following processes should be followed in order to help inform the potential needs a new housing development may require and/or should look to consider.

In accordance with National Planning Policy Guidance, contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floor space of no more than 1,000 square metres (gross internal area).

Any obligations sought should be based on a tailored approach to each development, using the robust evidence base provided as part of the Playing Pitch Strategy (PPS) to help with clearly justifying the needs arising and how they are to be met.

#### Step by step guide

Step 1	Determine the playing pitch requirement resulting from the development	Navigation
	The main tool for determining this is the PPS New Development Calculator which is a Sport England tool provided on completion of the Strategy. This has been populated with the current demand data from the Playing Pitch Assessment Report.	<a href="http://www.peterborough.gov.uk/psstoolkit">http://www.peterborough.gov.uk/psstoolkit</a>

The PPS Assessment Report provides an estimate of future demand for key pitch sports (football, rugby, hockey and cricket) based on population forecasts and club consultation. This demand is translated into teams likely to be generated, rather than actual pitch provision required.

The PPS New Development Calculator adds to this, updating the likely demand generated for pitch sports based on housing increases and converts the demand into match equivalent sessions and the number of pitches required. This is achieved by taking the current demand/team generation rates (TGRs) and population in the PPS Assessment Report to determine how many new teams would be generated from an increase in population derived from housing growth. This also gives the associated costs of supplying the increased pitch provision.

Part 5 of PPS New Development Calculator provides an estimation of the number of new pitches that would be required to meet the match equivalent sessions presented in Part 3. Part 5 also presents an estimate of the associated costs for providing these new pitches. Please note that these are indicative costs only and appropriate local work should be undertaken to determine the true costs of any new pitches.

As identified within the Strategy, the longer term aim is to move towards increasing use of 3G pitches to accommodate competitive football fixtures. Therefore, there is a case to suggest that contributions towards football provision (and in some cases rugby union) could be made. Such provision would, however, require a business plan for the facility which aligned to FA programming and pricing and to encourage use of the facility on weekday evenings for training and for fixtures at weekends.

Step 2	Determine the other pitch and non-pitch requirements resulting from the development	Navigation
	Use the Playing Pitch Strategy to identify level of need that may be generated from new development(s) for outdoor sporting provision not included within the PPS New Development Calculator.	◀ Playing Pitch Strategy (Part 4 & 6)

The PPS New Development Calculator does not calculate demand for other types of pitches or non-pitch provision which may be played in the Area. However, the PPS identifies (where relevant) current and future demand for the following additional types of outdoor sporting provision; bowling greens, tennis courts, netball courts, athletics tracks, golf courses and cycling facilities.

Where there is no identified shortfall in provision or future demand for new provision within an area relevant to the development (e.g. an analysis area or settlement), consideration should be given to the nearest site to the development containing that type of pitch provision. This should consider if the site could benefit from a contribution towards increasing capacity to meet likely need generated from the development. For example, this could include increasing quality, addition of ancillary facilities such as floodlighting, changing rooms or car parking. Use the PPS action plan to identify site by site recommendations.

Step 3	Determine whether new provision is required and whether this should be on or off site	Navigation
	<p>Consider if the nearest site/s to the development containing that type of provision could benefit from a contribution towards increasing capacity to meet likely need generated from the development. If there are no potential options to improve existing, or extend planned provision to create additional capacity then new provision will be required.</p> <p>Where the calculator does not create demand for a whole pitch, which is often the case for smaller size developments, it is recommended to make a contribution to increasing the capacity of an existing site to meet demand generated from the development.</p>	<p>◀ Playing Pitch Strategy Action Plan (Part 6)</p>

When identifying a site for off-site contributions, consider the proximity and location of existing playing pitch sites and whether it could help serve the new development. Identify the analysis area in which the development sits and identify if there are any Hub sites or Key centres within the Area.

If there are no analysis areas or the development site is close to the local authority boundary, apply an initial one mile radius around the site in order to help identify the nearest priority sites. This may require consultation with neighbouring authorities.

Hub sites are of City wide importance where users are willing to travel further to access the range and high quality of facilities offered. Hub sites are likely to be multi-sport facilities. These have been identified on the basis of high impact on addressing the issues identified in the assessment.

The financial, social and sporting benefits which can be achieved through development of strategic sites (also known as hub sites) are significant. Sport England provides further guidance on the development of community sports hubs at:

[http://www.sportengland.org/facilities\\_planning/planning\\_tools\\_and\\_guidance/sports\\_hubs.aspx](http://www.sportengland.org/facilities_planning/planning_tools_and_guidance/sports_hubs.aspx)

**Key centres** although these sites are more community focused, some are still likely to service a wider analysis area (or slightly wider). However, there may be more of a focus on a specific sport i.e. a dedicated site.

Step 4	Determine how best to satisfy demand through new onsite provision	Navigation
	<p>To further help determine how best to satisfy demand for new onsite provision, use the Playing Pitch Strategy to identify existing shortfalls and consult with local clubs/groups to identify local issues.</p>	<p>◀ Playing Pitch Strategy (1.3 Headline Findings)</p>

## Peterborough City Council Developer Contributions SPD – July 2019

Although the Playing Pitch Strategy will help to identify existing shortfalls (and in doing so provide a guide as to how best to meet demand generated from the new development), local clubs/groups should be consulted to further update the most recent local situation. Useful questions to answer may include, for example:

- ◀ Are there any teams/clubs playing outside of the local area (displaced demand) which could utilise provision at the site?
- ◀ Do any local clubs identify existing plans/demand for access to new provision?
- ◀ Are there any overplayed sites in the local area where existing demand could be transferred to a new site?
- ◀ Do any local clubs identify any latent demand (i.e. if they had access to more pitches they could they field more teams?)

Step 5	Determine how best to satisfy demand through new offsite provision	Navigation
	Identify the potential sites for investment within the Playing Pitch Strategy Action Plan to help determine how best to meet demand generated from the new development.	◀ Playing Pitch Strategy Action Plan (Part 6)

Consider the location of the new population (e.g. the location of the development site) alongside the results of the PPS assessment work. This will enable you to understand the nature of the current playing pitch sites within an appropriate catchment of the new population and the issues in the area. This may lead to suggestions of one or more ways of meeting the estimated demand, such as:

- ◀ Enhancing existing pitches to increase their capacity and ensure adequate maintenance to maintain the higher level of use
- ◀ Securing greater community access to currently restricted provision and undertaking necessary works to allow such use to occur (e.g. enhanced changing provision)
- ◀ Providing new playing pitches on existing sites.

This decision should be based on the potential to improve existing facilities within an appropriate catchment of a development to create additional capacity, and how realistic it is given the nature of the local area to provide new provision. For example, there may be some poor quality playing fields that could potentially be improved with additional drainage and long-term maintenance works, along with enhanced changing provision, to enable their use to be increased, thereby creating additional capacity to meet the increased demand generated from the development.

Discussions should be held with relevant parties (e.g. landowners, facility operators and user groups), and any further necessary evidence gathered (e.g. a feasibility study), to help identify the specific works that are required, and to ensure they will provide the necessary additional capacity to meet the needs. It will also be important to demonstrate that the specific works can be delivered within an appropriate timescale in relation to the occupation of the development site.

Step 6	Consider design principles for new provision	Navigation
	The exact nature and location of provision associated with onsite developments should be fully determined in partnership with each relevant NGB. Further to this, each pitch sport NGB provides national guidance in relation to provision of new pitches.	<a href="#">FA guide to developing facilities</a> <a href="#">FA 3G pitch guidance</a> <a href="#">RFU Facilities Guide</a> <a href="#">ECB guide to developing pitches</a> <a href="#">England Hockey Facilities Strategy</a>

## Peterborough City Council Developer Contributions SPD – July 2019

There is also a need to ensure that the location of outdoor sports pitches and ancillary facilities are appropriately located in the context of indoor sports provision (if also being provided onsite) to ensure a cohesive approach to the whole sporting offer.

Step 7	Calculate the financial contribution required	Navigation
	After using the PPS New Development Calculator as a starting point for cost, the local cost of provision should be fully determined in order to calculate the financial contributions.	N/A

A clear and transparent methodology for calculating up to date costs for the specific works, including appropriate ancillary provision, should be presented. Where appropriate, depending on how the needs are to be met, the cost of any required land purchase should be included in the financial contribution. If an obligation will be directed to an off-site project it should be ensured the costs are limited to meet the needs of the individual development.

Along with any capital costs for the works, an obligation should ensure an appropriate level of lifecycle costs towards the new or enhanced provision. This is required to cover the day to day maintenance for an agreed long term period and to help ensure a sinking fund exists for any major replacement work, e.g. the future resurfacing of an artificial grass pitch.

Wherever possible, specific local costs should be used, especially if the works are to improve the existing quality of a site to increase capacity as there may be a number of site specifics to take into account. Sport England does provide indicative costs for new provision:

<https://www.sportengland.org/facilities-planning/design-and-cost-guidance/cost-guidance/>

For all developments community use agreements between providers and users would ensure that such demand continues to be provided for in the long-term.

Step 8	Identify potential management options for new provision	Navigation
	To further help determine the sustainability of establishing new provision, consideration should be given to the potential management opportunities which may be available.	N/A

To further help determine the sustainability of establishing new provision, consideration should be given to the potential management opportunities which may be available onsite:

- ◀ Is the local authority (or town/parish council) in a position to take on further outdoor sports facilities from a financial point of view?
- ◀ Is an education establishment to be provided as part of the development which offers a potential management option of outdoor sports facilities?
- ◀ Is there a leisure trust in place which has the capacity to take on the management of outdoor sports facilities?
- ◀ Is there an opportunity for a trust based model of management, for example, by formation of a Community Interest Company (CIC) or Charitable Incorporated Organisation (CIO)?
- ◀ Is there an existing sports club that has the capacity to take on the management of another site?

At this point, further dialogue with the relevant NGB may be required to help determine options available.