

EAST CAMBRIDGESHIRE DISTRICT COUNCIL

Supplementary Planning Document on Developer Contributions



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1. Introduction

1.1 Purpose and scope of this document

- 1.1.1 This Supplementary Planning Document (SPD) sets out East Cambridgeshire District Council's approach to seeking developer contributions for infrastructure or environmental improvements required as a result of new development. It is aimed at developers, agents and the general public, and seeks to provide people with a better understanding of when planning contributions will be sought and how they will be used.
- 1.1.2 All development has the potential to impact on the environment, and place pressure on local infrastructure and services. The planning system can be used to ensure that new development contributes positively to the local environment, and helps to mitigate against any adverse impacts on infrastructure. In East Cambridgeshire mitigation has typically been secured through conditions attached to a planning application, and/or through legal agreements with developers (known as 'planning obligations' or Section 106 agreements) to secure provision towards necessary infrastructure or other benefits. However, the introduction of a Community Infrastructure Levy (CIL) Charging Schedule on 1st February 2013 will mean that some future contributions will also be made in the form of CIL payments, rather than through planning obligations. The number of developments needing to enter into planning obligations will be far less in the future.
- 1.1.3 This SPD therefore aims to provide developers, agents and applicants with:
- An overview of the District Council's approach to securing mitigation through planning conditions, planning obligations (Section 106 agreements) and CIL
 - Clarification on the relationship between planning obligations and the Community Infrastructure Levy.
 - Guidance on the type and nature of planning obligations that may be sought, and the basis for charges.
- 1.1.4 The SPD provides further information on the implementation of policies in the Core Strategy (2009) which relate to the impacts of development and affordable housing. The key policies relating to infrastructure are Policies CS7 and S4, and Policy H3 on affordable housing. The SPD should also be considered in conjunction with the District Council's Community Infrastructure Levy Charging Schedule (adopted December 2012) which proposes charges on residential and retail development, and the accompanying CIL Guidance Note for applicants.

1.2 Consultation

- 1.2.1 This document was adopted as a Supplementary Planning Document by the District Council in May 2013 and will be a material consideration when determining planning applications. It is intended to replace the previous version of the document, which was adopted by Full Council in October 2011.
- 1.2.2 If you have any questions about this document, please contact the Forward Planning Team on 01353 665555 or email ldf@eastcamb.gov.uk

2. Mechanisms to be used

2.1 Planning conditions

2.1.1 A planning condition may be placed on a grant of planning permission by local planning authorities. Such conditions permit development to go ahead only if certain circumstances are satisfied. Conditions may include undertakings relating to environmental issues, the timely delivery of infrastructure (as explored further in section 3.3 below), or the appearance or size of new development, and can help to mitigate the impact of development.

2.2 Planning obligations

2.2.1 Section 106 of the Town and Country Planning Act 1990 (as amended) allows the drafting of planning obligations between developers and the District Council. These legal agreements allow the Council to control the impact of development, beyond that which can be achieved via planning conditions. Planning obligations are an established mechanism to secure the delivery of services or facilities needed as a result of new development. Contributions to infrastructure are delivered by way of either physical works (on or off-site) land transfer, or financial contributions. Planning obligations are typically secured towards various matters, including affordable housing, open space, education, community facilities, transport improvements and wildlife mitigation measures.

2.2.2 Guidance on seeking and negotiating obligations is provided in the National Planning Policy Framework (March 2012). This document contains three statutory tests (as set out in the CIL regulations) for the scope and appropriateness of seeking developer contributions:

- Necessary to make the proposed development acceptable in planning terms
- Directly related to the proposed development, and
- Fairly and reasonably related in scale and kind to the development.

2.2.3 The CIL Regulations (2010) also specify that planning obligations from a maximum of five planning permissions can be used towards any particular project or infrastructure type (Regulation 123).

2.2.4 Cambridgeshire County Council as the Highways Authority may also use Section 278 of the Highways Act 1980 to secure private sector funding of works to the highway network where necessary to serve the proposed development (an alternative form of planning obligation).

2.3 Community Infrastructure Levy (CIL)

2.3.1 The Community Infrastructure Levy (CIL) allows Councils to set a local charging schedule for development schemes. CIL provides a more predictable funding stream so that infrastructure projects can be delivered more effectively, as well as providing greater certainty for developers.

2.3.2 The District Council's CIL Charging Schedule (December 2012) sets out standard charges which will be levied on many residential and retail development schemes within the district. The levy is charged on the basis of pounds per square metre of floorspace. It can be spent on the provision of new or improved infrastructure (including any maintenance and operational costs) which is required to support development within the district.

2.3.3 The Council CIL's Charging Schedule will become effective on 1st February 2013. Further information relating to the charging schedule can be found on the District Council's CIL webpage¹. The webpage will also set out details of infrastructure projects on which CIL monies will be spent (known as the Regulation 123 list).

¹ <http://www.eastcambs.gov.uk/planning/community-infrastructure-levy>

3. East Cambridgeshire’s approach to developer contributions

3.1 Introduction

3.1.1 This chapter sets out East Cambridgeshire District Council's general approach towards seeking planning contributions from development schemes. It looks at the interaction between planning obligations and CIL, the process for seeking planning obligations, and the Council's approach to viability considerations.

3.2 Interaction between planning obligations and CIL

3.2.1 CIL payments will be sought in line with the Council's adopted CIL Charging Schedule. In addition, developers will be expected to mitigate any impact on the environment or local infrastructure that arises directly as a result of the development. Affordable housing will also continue to be provided through planning obligations. Therefore, although the number of planning obligations will be scaled back, they will still be sought in relation to the 4 main types of matters listed below. Further information on the 'split' between planning obligations and CIL is set out in Chapter 4 below.

1. Affordable housing (as this falls outside the scope of CIL) – see section 4.3 below
2. Infrastructure which is required as a result of specific development (and which is not included in the CIL Regulation 123 list) – see sections 4.4 to 4.10 below
3. Commuted sums for the maintenance of facilities/infrastructure that the developer would like another body to adopt – see section 4.4 below
4. Mitigating the impacts of development (for example, relating to environmental mitigation, archaeology, transport and access etc)

3.2.2 Table 3.1 below sets out a summary of what may be required from a typical development scheme. This is provided as an illustration only, and there may be specific cases which vary from this for justifiable reasons. Applicants are advised to consult the Planning Department at an early stage in the process, to discuss requirements relating to specific development proposals (as set out in section 3.3 below).

Table 3.1 – Potential contributions from development schemes (illustrative only)

Type of development scheme	Standard CIL charge	Potential planning obligations
Residential extensions less than 100m ²	No	<ul style="list-style-type: none">• Mitigation of specific impacts if required
1 or 2 dwellings, or residential extensions of 100m ² +	Yes	<ul style="list-style-type: none">• Mitigation of specific impacts if required
3 to 19 dwellings	Yes	<ul style="list-style-type: none">• Affordable housing• Mitigation of specific impacts if required
20 to 100 dwellings	Yes	<ul style="list-style-type: none">• Affordable housing• Mitigation of specific impacts if required• On site provision of open space or contribution to off-site improvements + commuted maintenance sum

Type of development scheme	Standard CIL charge	Potential planning obligations
100+ dwellings ²	Yes	<ul style="list-style-type: none"> Affordable housing Mitigation of specific impacts if required On site provision of open space + commuted maintenance sum Other development-specific infrastructure (where need mainly created by the development)²
Retail development ³ less than 100m2	No	<ul style="list-style-type: none"> Mitigation of specific impacts if required
Retail development ³ of 100m2+	Yes	<ul style="list-style-type: none"> Mitigation of specific impacts if required Development-specific infrastructure (could include open space, transport infrastructure or other aspects)
Other types of development (including business, leisure, hotels etc)	No	<ul style="list-style-type: none"> Mitigation of specific impacts if required Development-specific infrastructure (could include open space, transport infrastructure or other aspects)

3.2.3 The District Council will ensure that no ‘double-counting’ takes place, and developers will not be charged twice for the same infrastructure (in line with the CIL Regulations). Table 3.2 below seeks to clarify the split between CIL and Section 106 agreements, by listing the key forms of contributions likely to be sought. It should be noted that the list of infrastructure types is not exhaustive.

Table 3.2 – Infrastructure types delivered through CIL and Section 106

Type of infrastructure	S106 infrastructure/mitigation	CIL funded infrastructure
Affordable housing	Affordable housing	-
Education	Development specific schools and educational facilities on large strategic housing sites	School and educational places/facilities not on large strategic housing sites
Community facilities	Development specific community meeting space(s) and library/lifelong provision on large housing sites	Improvement of existing library services and community buildings not on large strategic housing sites Art facilities and museums
Health	Development specific new healthcare facilities on large housing sites	Other healthcare provision
Transport	Local site-related road/transport requirements	Other road and transport infrastructure projects
Economic development	Development specific economic initiatives on large strategic sites	Other economic development measures not on large strategic sites

²It is likely that much larger schemes will trigger the need for development-specific infrastructure, such as a new primary school. The threshold will vary from scheme to scheme, and between types of infrastructure. Applicants will need to contact the Planning Department to discuss requirements at an early stage in the process.

³ As defined in the Council’s CIL Charging Schedule – e.g. Use classes A1/A2/A3/A4/A5 or sui generis uses akin to retail.

Environment	Local site-related habitat/nature/heritage requirements	Other environmental/heritage provisions and infrastructure
Open Space	Provision of on site or site related informal open space, land, play facilities and recreational equipment	Development of district wide strategic green infrastructure network (where off site and unrelated to specific developments)
Sport Facilities	Development specific formal sports land & facilities on large housing sites	Formal sports land and facilities not on large strategic sites or related to a large strategic site
Emergency Services	Development specific police service provision	District wide Police service infrastructure requirements
Flood defence/drainage	Site-related flood defence/drainage infrastructure	Other flood defence/drainage infrastructure

3.3 Process for seeking developer contributions

3.3.1 This section sets out the process for seeking developer contributions, including the collection, financial management and use of funds.

Application process

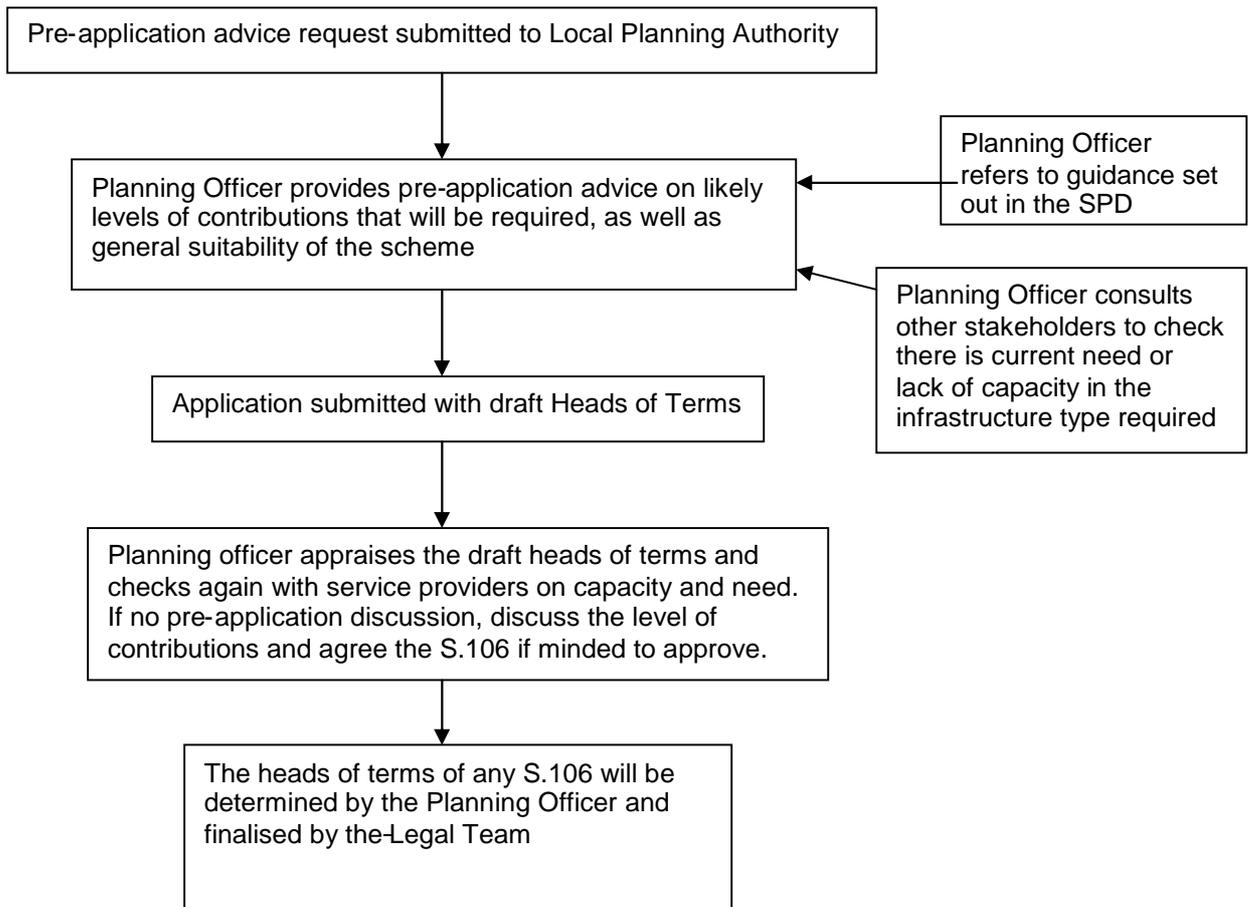
3.3.2 Developers are advised to enter into discussions with the local planning authority (and other infrastructure providers including the County Council) as early as possible in the process, e.g. prior to an application being submitted. The Planning Officer will consider the requirements for planning obligations as outlined in this document and/or CIL charges (if applicable). The Planning Officer may draw on advice from other infrastructure providers and stakeholders in relation to the need for planning obligations. When dealing with outline applications, the local planning authority will use the standard housing mix in section 4.2 as an indicator for requirements for planning obligations. CIL charges only apply at reserved matters stage.

3.3.3 Where a CIL charge is applicable, developers will be required to follow the necessary legal steps, including the completion of a CIL Liability Notice. Further details are set out in the Council's CIL Guidance Note for applicants.

3.3.4 In relation to planning obligations, Draft Heads of Terms for a legal agreement should be submitted alongside a planning application, setting out the type and extent of planning obligations.

3.3.5 Figure 3.1 below summarises the process for seeking developer contributions required through planning obligations. However, if the developer believes that financial viability is an issue, this matter will need to be negotiated with the District Council – see section 3.4 for further details.

Figure 3.1 – Process for consideration of planning obligations



Management of planning obligations

- 3.3.6 There have been a number of instances in recent years where the occupants of new dwellings have been disadvantaged by a lack of play areas open for use, and uncompleted roads. Consequently, conditions will be imposed on sites that require various elements of infrastructure, to ensure that there is an agreed timetable for their implementation. The timetable will have to be agreed with the Local Planning Authority, prior to work commencing on-site. If not adhered to during the course of construction/completion of dwellings, it should be anticipated that enforcement action will be taken to ensure compliance. This will have an adverse effect on the sale of dwellings on the site, particularly the remaining dwellings.
- 3.3.7 The imposition of conditions on planning permissions will seek to provide on-site public open space (POS), community facilities, emergency service provision, roads and accesses, and other essential infrastructure (for instance drainage), at a point in the development of the site where there would be a need for this infrastructure to be in use. This will be in accordance with an agreed phasing programme. The payment of the financial contributions to provide this infrastructure will require a clear link between conditions on the planning permission and the S.106 agreement. Maintenance contributions will be sought whether the open space is provided on site or off site.
- 3.3.8 Also at this trigger point in the development of the site, the payment of maintenance for open space will be required, or, if not put forward for adoption, the private management scheme will need to be implemented. With regard to the adoption of highways, any separate S.106 or S.38 agreement (Highways Act 1980) should seek to ensure that the road network is open for use by the public at this same point in the development of the site.

- 3.3.9 The phasing and implementation of the infrastructure would normally be agreed during the course of pre-application discussions, and the conditions would therefore be a formal means of recognising a mutually acceptable timetable between the developer and the LPA.
- 3.3.10 The District Council will use indexing in the planning agreement to take account of potential increase in costs of infrastructure over lifetime of a planning permission. The RICS Building Cost Information Service (BCIS) all in tender Index will be used for this purpose.

Monitoring, management and review

- 3.3.11 The District Council will monitor planning obligations to ensure they are complied with. Enforcement action will be taken where conditions or planning obligations are not complied with. Payment of financial contributions will be in line with triggers in the agreements. Late payment of more than 3 weeks will trigger a reminder letter and the Council will consider pursuing appropriate legal action to recover unpaid amounts, including interest and legal fees.
- 3.3.12 The District Council will publish information on an annual basis on the scope of planning obligations and CIL monies received and how they have been spent. This will be published on the Council's website and made available to the general public.
- 3.3.13 Legal agreements will specify timeframes for spending monies secured through planning obligations. Where necessary the Council will refund monies where required to do so in accordance with a Section 106 agreement. Delivery of infrastructure can take time and may also be delayed due to availability of funding from other sources. There is no timescale for the spending of CIL receipts.
- 3.3.14 The District Council will seek to cover the costs of collecting, allocating, spending and monitoring of planning obligations – as supported by Government guidance. The Council will use up to 5% of the value of monetary contributions towards these purposes. Legal costs for securing planning obligations will continue to be sought in addition to this.

3.4 Development viability

- 3.4.1 Community Infrastructure Levy is payable on all chargeable developments as outlined in the CIL Charging Schedule. The Council proposes to offer relief from charges, as set out in the adopted CIL Relief Procedures. However, this will only be relevant in very exceptional circumstances. For further details, see the Council's CIL Guidance Note for applicants.
- 3.4.2 Planning obligations are negotiated between the Council and developers, on a case by case basis. Where developers believe that viability is an issue, applicants will need to make a submission to the District Council which should include the following:
1. A financial viability appraisal setting out how they are not able to meet the full policy requirements (including the amount and tenure of affordable housing) deemed necessary to be secured through a Section 106 agreement and any payable CIL charges. This should utilise the Homes and Communities Agency's Development Appraisal Tool⁴, or another suitable model as agreed with the District Council and should include:
 - o Quantity surveyors cost assessment
 - o Market evidence of sales rate and site value
 - o Development and sales programme (where relevant).
 - o Details of any exceptional development costs
 - o Likely CIL charge showing payments required in accordance with instalments policy,

⁴ <http://www.homesandcommunities.co.uk/ourwork/development-appraisal-tool>.

2. A statement outlining the benefits and risks of not meeting the policy requirements and the site being delivered immediately.

3.4.3 The issue of viability will normally be dealt with at application stage. However applicants can request that the District Council review the financial viability of a development following planning permission being granted. An example of which is where developments are expected to be phased over a number of years and circumstances may have changed since planning permission was granted.

3.4.4 The Council will seek independent advice to review the financial appraisal which has been provided (the cost of which will be met by the applicant). The Council will consider potential benefits of a scheme by weighing these against the resulting harm from the potential under provision or delayed provision of infrastructure (including affordable housing).

3.4.5 Based on independent financial viability findings and other evidence, planning obligations may be deferred/phased, or discounted, where this would not make the development unacceptable in planning terms. These two options are explored further below.

Deferred timing/phasing of planning obligations

3.4.6 This option should be explored first before reducing the quantum of contributions. The following may be considered to be justifiable, depending on the viability evidence:

- The provision of site specific infrastructure (including affordable housing) in phases with some on commencement and some at a specified later trigger point.
- Deferral of financial payments due under a planning obligation to a later stage of development.

Reduced quantum of planning obligation contributions

3.4.7 Reductions in contributions will be the minimum necessary to make the scheme financially viable. The District Council will need to make a judgement as to whether a development would still be acceptable in planning terms with a reduced level of contributions where other funding sources cannot be found.

3.4.8 Where discounted contributions are agreed, these should be distributed between the identified requirements, depending on individual factors affecting the site and availability of mainstream funding and the Council's priorities.

3.4.9 In the case of applications for 100% affordable housing (for example, on rural exception sites, the Council will consider reducing the developer contributions (which will be sought through Section 106 agreements) as part of the planning application process.

4. Planning Obligation guidance

4.1 Overview

- 4.1.1 This chapter looks in more detail at the main types of planning obligations that the Council is likely to seek from developers, and the basis for charges. As set out in section 4.10 there may be other types of infrastructure that may be sought through planning obligations, to be determined on a case by case basis. There may also be cases where the full range of basic contributions may not necessarily be sought, for example, where there is capacity in infrastructure provision to cater for needs arising from new development schemes.
- 4.1.2 This chapter is broken down into sections, each covering a different service area, or type of contribution – for example, education places, community facilities, and transport improvements. Each section sets out information on infrastructure requirements, and the method for calculating financial and other contributions.

4.2 Key assumptions

- 4.2.1 A number of assumptions have been made in calculating the appropriate contributions, and these are briefly discussed in this section. General assumptions which have guided calculation of standard contributions relate to:
- Housing size mix
 - Housing tenure mix
 - Dwelling occupancy rates

Housing size mix

- 4.2.3 Table 4.1 sets out the District Council's preferred mix of housing sizes on development schemes, for private and affordable housing. The preferred private housing size mix was produced by Cambridgeshire County Council Research Group (Cambridgeshire Housing Sub-Region Property Size Guide 2009), taking into account census data and market behaviour. The Size Guide (and any successor document) along with any additional information relating to the housing mix and type in the locality will be used to inform negotiations between applicants to determine the appropriate mix of housing. The preferred affordable housing size mix has been determined by East Cambridgeshire District Council's Housing Team, and is based on information on the needs of applicants, letting data on the availability of homes of various sizes, and the Council's vision to create sustainable balanced neighbourhoods.

Table 4.1 - Housing size mix

House type	1 bed	2 bed	3 bed	4+ bed	TOTAL
Private housing	4%	18%	31%	47%	100%
Affordable housing	10%	45%	35%	10%	100%

Housing tenure mix

- 4.2.4 Table 4.2 sets out the Council's preferred housing tenure mix – which is different for the north and south of the district⁵. The mix is derived from Policy H3 in the Core Strategy. The table also sets out the Council's preferred tenure mix within the category of affordable housing, which is for 70% 'social rented' and affordable rented⁶ and 30% 'intermediate' properties across the district.

⁵ North and south, as defined by Policy H3 in the Core Strategy (2009)

⁶ .

Table 4.2 – Housing tenure mix

Tenure mix	Private housing	Affordable housing	Total
North of district	70%	30%	100%
South of district	60%	40%	100%
<i>Affordable housing breakdown</i>			
All of district	-	70% social rented 30% intermediate	100%

Dwelling occupancy rates

4.2.5 Table 4.3 sets out details of average dwelling occupancy rates in East Cambridgeshire. These have been produced by Cambridgeshire County Council's Research Group, and are based on census data and development monitoring data. The shaded rows at the foot of the table contain the average dwelling occupancy rates for various sizes of dwellings, and have been used to inform all types of infrastructure requirement calculations. The rows above provide data on the average number of children per dwelling, which have been used to inform education infrastructure calculations only.

Table 4.3 - Dwelling occupancy rate

House type	1 bed	2 bed	3 bed	4+ bed
0 to 3 years				
Private housing	0.03	0.04	0.21	0.3
Affordable housing	0	0.46	0.49	0.65
Combined figure	0.01	0.27	0.31	0.33
4 to 10 years				
Private housing	0.03	0.04	0.2	0.42
Affordable housing	0	0.17	0.97	1.33
Combined figure	0.01	0.11	0.48	0.51
11 to 15 years				
Private housing	0	0	0.11	0.19
Affordable housing	0	0.08	0.53	1.05
Combined figure	0	0.04	0.26	0.27
All ages				
Private housing	1.3	1.5	2.4	2.9
Affordable housing	1.2	2.3	3.8	5.1
Combined figure	1.2	1.9	2.9	3.1

4.3 Affordable Housing

Context

There is an identified need for more affordable housing within the District as set out in the most recent Cambridge Housing Sub Region Strategic Housing Market Assessment (SHMA)⁷. The District Council will seek to secure appropriate levels of affordable housing in accordance with Policy H3 of the adopted Core Strategy. Affordable housing is defined in the Government's National Planning Policy Framework as '*social rented, affordable rented and intermediate housing provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision*'. Affordable housing will be required to remain affordable in perpetuity⁸, except where subject to statutory rights such as Right to Acquire⁸ and Right to Enfranchise⁹.

What is required?

New housing developments will be required to contribute to the provision of affordable housing within the district. This will be secured through planning obligations as it falls outside of the scope of CIL.

The District Council will seek the provision of affordable housing on residential developments of 3 or more dwellings as set out in Policy H3 of the Core Strategy:

- a minimum of 30% affordable housing within the north of the district¹⁰ and
- 40% in the south of the district¹¹.

A map showing identifying the north and south of the district can be viewed below.

The Council will expect affordable housing to be provided on site. Only in exceptional circumstances will the Council consider off-site provision or a financial contribution in lieu of provision. Applicants will be expected to justify why affordable housing should not reasonably be provided on-site; for example, where there may be difficulties over the delivery, design or management of small numbers of affordable units within a development. Details of what the Council will expect in relation to off-site provision and financial contributions are set out in the sections below.

Where the calculation of the amount of affordable housing which is required results in a fraction, the figure will be rounded up to the nearest whole number. If a development involves the demolition and/or conversion of existing dwellings, the calculation will be based on the gross number of dwellings that the scheme delivers.

Further guidance in relation to how financial viability issues will be considered in relation to the provision of affordable housing are outlined in section 3 of this document.

Dwelling size and tenure mix

⁷ <http://www.cambridgeshireinsight.org.uk/housing/current-version>

⁸ Right to acquire allows most housing association tenants to acquire their homes at a discount.

⁹ Right to enfranchise allows tenants to buy 100% of the shared ownership lease.

¹⁰ The north of the district comprises the parishes of Coveney, Haddenham, Isleham, Mepal, Little Downham, Littleport, Little Thetford, Soham, Stretham, Sutton, Wentworth, Wicken, Witcham, Wilburton, Witchford, and Ely City.

¹¹ The south of the district comprises the parishes of Ashley, Bottisham, Brinkley, Burrough Green, Burwell, Chippenham, Cheveley, Dullingham, Fordham, Kennett, Kirtling, Lode, Reach, Snailwell, Stetchworth, Swaffham Bulbeck, Swaffham Prior, Westley Waterless and Woodditton

The tenure, size mix (number of bedrooms) and the property type (e.g. house, bungalow, or apartment) should be agreed with the Council's Housing and Development Control departments as part of the pre-application process. Affordable housing with adaptations for people with special needs may also be considered at this stage.

The District Council's preferred housing mix is that 70% of new affordable housing should be rented homes (Social Rent, Affordable Rent, or a mixture of the two) and around 30% should be intermediate tenure (principally shared ownership). Shared ownership homes should be delivered at a cost that enables the provision of a range of initial equity shares, at an average of not more than 50%. Shared ownership leases should be based on the Homes and Communities Agency model lease agreement.

The affordable housing size mix will be agreed in the light of evidence of local need and circumstances at the time of the application. Whilst the Strategic Housing Market Assessment shows a significant need for 2 bedroom homes, there is also a deficit of larger homes in some parts of the district. The mix will also be considered in conjunction with the market housing mix: for example, a scheme of 4 and 5 bed market homes including only 1 and 2 bed affordable is unlikely to be considered acceptable.

Content of planning obligations

The following requirements relating to affordable housing will also be secured as part of a Section 106 agreement:

- Affordable housing will normally transfer to a Private Registered Provider of Social Housing unless the applicant can demonstrate that alternative arrangements can secure satisfactory future management.
- All new affordable housing in the District will be subject to a nominations agreement, ensuring its occupation by eligible local households.
- Affordable housing in "Designated Protected Areas" (generally settlements with less than 3000 population) will be excluded from the Right to Acquire and Right to Enfranchise.

The Council can provide upon request to applicants a list of Private Registered Providers of Social Housing who may be interested in acquiring affordable housing in East Cambridgeshire District.

Design considerations

The affordable housing should be well designed, integrated with and not visually distinguishable from the rest of the development. Affordable housing will be required to meet HCA Design and Quality standards (or equivalent). The timing of the completion of the affordable homes will be agreed as part of a schedule for the development.

Off-site provision

If the Council agrees to provision of affordable housing off-site as an alternative to delivery within the principal application site, the amount of affordable housing will be 30%/40% (as appropriate) of the total number of dwellings delivered on both sites. However applicants will not be required to provide more affordable housing than would have been financially viable on the principal application site'

A worked example is given below.

Worked example:

A development of 50 dwellings is proposed, with the affordable provision on a second site.

If the affordable requirement is 30%, a total of 15 affordable dwellings would normally need to be provided on-site. If this is provided off-site, the total number of dwellings would be 65.

30% of 65 dwellings = 19.5 dwellings, rounded up to 20 dwellings.

Therefore 20 affordable dwellings should be provided off-site.

Financial contributions

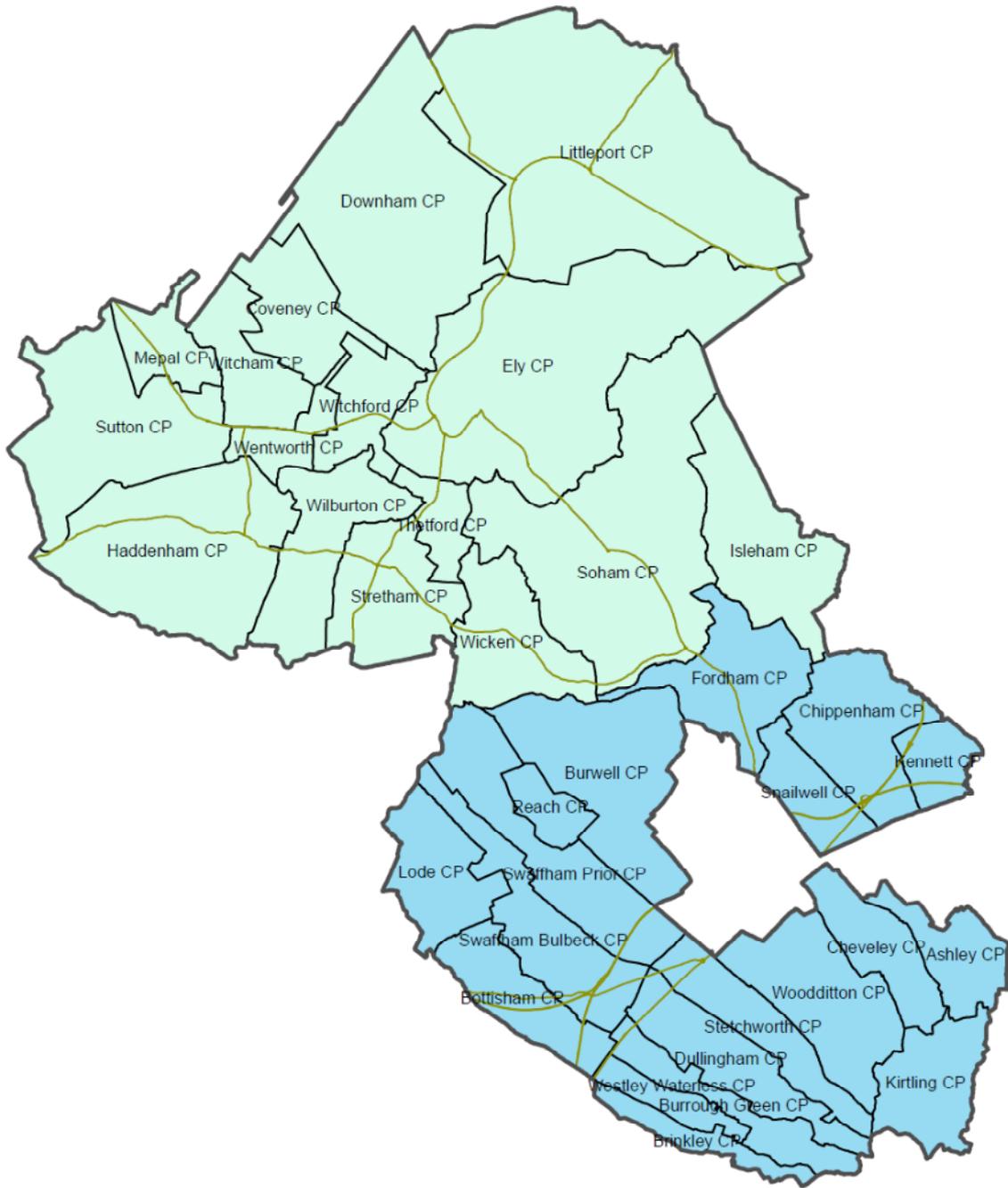
If the Council agrees to accept a commuted sum in lieu of part/all of the provision required, the sum required will be of equivalent value to the contribution that would have been provided by on-site provision, i.e. the cost of delivering the Council's policy requirement on the application site.

In order to calculate this sum, the applicant must agree with the Council a notional scheme delivering on-site affordable housing in accordance with the Council's policy. The applicant should submit a financial assessment of this scheme using the HCA's Development Assessment Tool, together with an assessment of the actual scheme proposed. The commuted sum required will be the difference between the residual land values of the notional scheme and the actual scheme. The Council may seek independent valuation advice, and the applicant will be responsible for any costs incurred.

Commuted sums will be paid to the Council prior to the occupation of the first dwelling. The Council will spend commuted sums to increase or improve affordable housing provision in the district and/or to support its other statutory housing functions e.g. prevention of homelessness. The Council will endeavour to prioritise the spending of commuted sums to benefit the locality from which the contribution was raised.

Map of sub areas for affordable housing provision in East Cambridgeshire District

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Key

-  District boundary
-  Major Roads
-  Parish boundaries
-  North of the District
-  South of the District


East Cambridgeshire
District Council

N


Scale: 1:200,000

4.4 Open space

Context

Open spaces are essential to the health and well-being of communities, and contribute to biodiversity, sustainable living and an attractive living environment. Open spaces are defined as areas of informal space (not used for formal sports), including parks, kick-about areas, green corridors, and village greens. Play areas for toddlers, juniors and youths (including skate parks) are also included in this category.

The District Council's Sports Facilities and Play Areas Assessment (2005) and Informal Open Space Assessment (2005) provide evidence of need for new and improved informal open space and play facilities across the district.

What is required?

All new housing development places pressure on informal open space and play infrastructure. Planning obligations will be used to secure provision for new open space and play facilities, or upgrading and extending existing provision - focusing on local-type facilities. CIL will be used to fund the majority of strategic green infrastructure improvements. However, there may be some cases where very large development schemes incorporate areas of strategic open space, where this is an integral part of the development concept (this will be determined through site-specific development frameworks or Masterplans). In these rare cases, planning obligations may be used to secure on-site strategic open space.

The Council's preference is to secure on-site provision of new informal open space and play areas, in order to serve the needs of the new community and create an attractive living environment. Incidental open space/landscaping and toddler play areas will be secured as part of development design or through planning conditions. Larger areas of open space and other play areas will be secured through planning obligations.

However, where a site is too small for meaningful provision, the Council will instead seek a financial contribution in lieu towards securing provision nearby or upgrading and extending existing provision. This will be determined on a site by site basis. The scale of the contribution in lieu will be calculated according to the guidelines in the relevant section below.

As an exception, specialist older person housing schemes will not be subject to any contributions for children's play areas, and 1 bed dwellings will not be subject to any contributions to youth play areas.

On-site contribution

The amount of open space and play facilities required on-site is based on benchmark standards set out in the Council's Sports Facilities and Play Areas Assessment (2005) and Informal Open Space Assessment (2005). The amount of space required per person is multiplied by average dwelling occupancy rates (as set out in section 4.2 above) to produce the amount of land required per dwelling. The method is summarised below, whilst the table below sets out the benchmark standards and space requirements per dwelling.

Land needs to be provided as part of on-site infrastructure, and appropriately drained, landscaped and equipped to agreed standards. In terms of play areas, some of the key requirements are summarised below – but it should be noted that further guidance on the standards of equipment and provision for play areas is set out in the Council's Sports Facilities and Play Areas Assessment (2005).

- Toddler play areas – at least 3 pieces of play equipment and small low key games area with play features on about 0.01ha (100m²)
- Junior play areas – at least 5 pieces of play equipment and small flat ball games area on about 0.04ha (400m²)
- Youth play areas – at least 5 pieces of play equipment, ball play and wheeled play opportunities and seating for use as a meeting place on about 0.1ha (1000m²).

Method:

Amount of space per person (m²) x dwelling occupancy rates = Amount of land required per dwelling

Amount of on-site open space	Hectares per 1000 population	Space per person (m ²)	1 bed	2 bed	3 bed	4+ bed
Informal open space	2.5 ha	25 m ²	30m ²	47.5 m ²	72.5 m ²	77.5 m ²
Toddler play area	0.02 ha	0.2 m ²	0.24 m ²	0.38 m ²	0.58 m ²	0.62 m ²
Junior play area	0.08 ha	0.8 m ²	0.96 m ²	1.52 m ²	2.32 m ²	2.48 m ²
Youth play area	0.1 ha	1 m ²	0	1.9 m ²	2.9 m ²	3.1 m ²
TOTAL	2.7 ha	27 m ²	31.2 m ²	51.3 m ²	78.3 m ²	83.7 m ²

The District Council will require planning obligations for open space provision in accordance with the above standards. Unless there is a requirement for a greater amount of open space to be provided in accordance with a Development Plan policy or site-specific Development Framework or Masterplan.

Financial contributions in lieu

Contributions will be based on the amount of provision required per person (using benchmark standards in the above table), and the overall cost of infrastructure required as a result of predicted population increase. Cost per person has then been calculated by dividing the total infrastructure costs by the number of new people, and multiplied by the average dwelling occupancy rates (as set out in section 4.2 above) to get the contribution figure per dwelling.

The method is summarised below, and the table below sets out the contributions for each type of facility.

Method:

$\frac{\text{Cost of additional infrastructure}}{\text{Population increase}} = \text{Cost per person} \times \text{Dwelling occupancy rate} = \text{Contribution per dwelling}$

Contributions per dwelling	1 bed	2 bed	3 bed	4+ bed
Informal open space	£601	£952	£1452	£1553
Toddler play space	£22	£34	£52	£56
Junior play space	£54	£86	£131	£140
Youth play space	0	£99	£151	£162
TOTAL	£677	£1171	£1787	£1911

Maintenance costs

Developers will be required to make provision for the on-going maintenance of informal open space provided for the direct benefit of new development. Developers may make their

own arrangements for the maintenance of informal open space, subject to obtaining the Council's written agreement. Where developers wish to transfer ownership and future management to the Council or other body, they will be required to pay costs to maintain the open space/play facility as set out below. These figures are based on the costs of future maintenance for 8 years. Maintenance charges are set out below, and will be updated on an annual basis and index linked:

Description	Maintenance rate (correct as at 1 April 2012)
Grassed area, Open Space and Verges	£6.00 per m2
Unadopted Footpaths, Tarmacadam, Shale/Stone, Unsurfaced	£6.00 per m2
Play areas	£27,116.00 lump sum
Ditch	£14.28 per m2
Water pipe	£14.28 per m2
Inspection/take-over fee	£689.00 per site
Trees	£ 904.00 per tree
Hedges	£15.59 per linear metre
Shrubs/wooded areas	£17.46 per m2

4.5 **Education**

Context

Cambridgeshire County Council has a statutory requirement to provide school places for children living in the area who are of school age and whose parents want their child educated in the state sector. In line with this statutory duty, the County Council needs to ensure that sufficient school places are provided to meet needs arising from new housing developments. This section outlines the requirements for pre-school, primary and secondary school requirements.

What is required?

New residential development will be required to contribute to the provision of early years, primary and secondary school places unless there would be sufficient capacity in available educational infrastructure within the locality to cater for the needs arising from the new development.

CIL funds will generally be used to address the cumulative impacts of developments on educational facilities, e.g. to fund new school places via the expansion of existing pre-schools, primary and secondary schools.

Planning obligations will be used to secure new schools associated with specific development schemes, e.g. large strategic housing sites which generate the need for new school provision. In practice this is likely to involve provision of new pre-school and primary facilities, rather than new secondary schools (which will be dealt with via CIL receipts). Applicants will be required to make on-site provision of land which is required to accommodate educational facilities as identified by the Local Education Authority (Cambridgeshire County Council). Applicants will also be required to make a financial contribution to the delivery of new educational buildings required – as detailed in the section below.

In certain circumstances, planning obligations may also be used to deliver a new educational facility required by a small number of large/medium size developments – with the facility provided on a nearby site. The Council will ensure that these schools will not be funded through CIL receipts, that the obligations meet the statutory tests, and that no more than five separate planning obligations are secured for the same school.

Education contributions via planning obligations will not be sought in relation to specialist older persons housing schemes, or 1 bedroom dwellings in the case of secondary school places (as Census data and County Council research indicates that the average child yield is zero/close to zero for these properties).

Financial contributions

Contributions will be sought towards the cost of constructing and fitting out facilities, in addition to land provision. The costs of new educational facilities will be determined on a case by case basis including build and fitting out costs (including any associated parking and landscaping).'

The following table provides indicative costs for new educational facilities (excluding land purchase costs), as derived from the County Council:

Facility	Expected cost of building
Community Room for 48 place pre-school	£0.5m
2FE Primary School (420 places)	£7.3m

4.6 Community meeting facilities

Context

This section looks at 'community facilities', such as community centres and halls, family centres and youth centres. Such facilities are crucial to enable a community to function.

What is required?

New residential development will be required to contribute to the provision of community meeting facilities.

CIL funds will generally be used to address the cumulative impacts of developments on community facilities. Where the expansion of existing community meeting facilities is required these facilities will be considered for inclusion on the Regulation 123 list.

Planning obligations will be used to secure new community meeting facilities associated with specific development schemes, e.g. large strategic housing sites which generate the need for new facilities. New community meeting facilities will normally be provided on-site to meet the needs of the development. The scale of facilities sought will be calculated on a case by case basis, using the provision standards in the table below as guidance. Applicants will be required to make on-site provision of land which is required to accommodate facilities, plus a financial contribution to the delivery of new community facilities (see the section below). The co-location of new community facilities will be supported by the District Council, where this is appropriate in operational terms and there are community benefits.

In certain situations, planning obligations may also be used to deliver a new community meeting facility required by a small number of medium/large scale developments – with the facility provided on a nearby site. The Council will ensure that these facilities will not be funded through CIL receipts, that the obligations meet the statutory tests, and that no more than five separate planning obligations are secured for the same facility.

New community meeting facilities should be made available to the relevant Parish or Town Council in the first instance.

Type of community facility	Amount per 1000 population (m2)	Amount per person (m2)	Source
Community meeting facilities	111m2 per 1000 population	0.1m2 per person	South Cambs District Council

Financial contribution

Contributions will be sought towards the cost of constructing and fitting out facilities, in addition to land provision. The following table provides indicative costs for new community facilities (excluding land purchase costs):

Type of community facility	Cost per m2	Source
Community meeting facilities	£1644	Infrastructure Investment Framework

4.7 **Healthcare facilities**

Context

Cambridgeshire Primary Care Trust (PCT) is currently responsible for the planning and securing of health services and improving the health of the local population. This section looks at the need for primary healthcare infrastructure (which includes GP and dentist provision) within the district.

What is required?

New residential development will be required to contribute to the improvement or expansion of existing healthcare facilities unless there would be sufficient capacity in available health infrastructure within the locality to cater for the needs arising from the new development.

CIL funds will generally be used to address the cumulative impacts of developments on healthcare facilities. Where the expansion of existing healthcare facilities is required this will be considered for inclusion on the Regulation 123 list.

Planning obligations will be used to secure new healthcare facilities associated with specific development schemes, e.g. large strategic housing sites which generate the need for new facilities, and where the PCT (or successor bodies) have identified the site as a preferred location for a new facility. The need for new facilities will be dependent upon the capacity of existing healthcare facilities and the proximity of facilities to new residential developments, and will take account of the following national provision guidelines: 1 GP per 1,800 population, and 1 dentist per 2,000 population. Applicants will be required to make on-site provision of land which is required to accommodate the identified healthcare facilities. They will also be required to make a financial contribution to the delivery of new healthcare facilities required on-site – as detailed in the section below.

In certain situations, planning obligations may also be used to deliver a new healthcare facility required by a small number of medium/large scale developments – with the facility provided on a nearby site. This can include situations where a site for healthcare facilities has been identified by the Cambridgeshire PCT (or successor bodies) for this purpose. The Council will ensure that these facilities will not be funded through CIL receipts, that the obligations meet the statutory tests, and that no more than five separate planning obligations are secured for the same facility.

Financial contributions

Contributions will be sought towards the cost of constructing and fitting out facilities, in addition to land provision. The following tables provides indicative costs for new community facilities (excluding land purchase costs). The figures are intended to be used as a guide by applicants and will vary depending upon the proposed location, development specifics and the timing of the development.

Type of community facility	Cost per m2	Source
Healthcare facilities	£2200	NHS Cambridgeshire

Facility	Expected cost of building
Healthcare Facility (375m2)	£825,000

4.8 **Sports facilities**

Context

Sports facilities are essential to the health and well-being of local communities. This section looks at the provision of outdoor and indoor sports facilities, including pitches for football, cricket and rugby, tennis and netball courts, bowling greens and flood-lit multi games areas, indoor sports halls and swimming pools.

The District Council's Sports Facilities and Play Areas Assessment (2005) provides evidence of need for new facilities and improvements to existing facilities across the district. The Council's Infrastructure Investment Framework sets out details of infrastructure requirements arising from likely population growth over the next 15 years.

What is required?

All new residential development places pressure on sports infrastructure, and contributions will be sought towards new facilities or upgrading/extending existing provision.

CIL funds will generally be used to address the cumulative impacts of developments on sports facilities. Where the expansion of existing sports facilities is required this will be considered for inclusion on the Regulation 123 list.

Planning obligations will be used to secure new sports facilities associated with specific development schemes, e.g. large strategic housing sites which generate the need for new facilities. The scale of facilities sought will be calculated on a case by case basis, using the provision standards in the table below as guidance. These facilities may be provided on-site, but in some circumstances it may be appropriate to secure provision off-site, for example, where it links better with existing sports provision. In both situations, the Council will seek the provision of land required to accommodate the identified sports facilities, plus a financial contribution to ensure delivery of the new sport facilities.

In certain situations, planning obligations may also be used to deliver a new sports facility required by a small number of medium/large scale developments – with the facility provided on a nearby site. The Council will ensure that these facilities will not be funded through CIL receipts, that the obligations meet the statutory tests, and that no more than five separate planning obligations are secured for the same facility.

Facility	Benchmark standard
Pitches	1.33 ha per 1000 people
Tennis	0.03 ha per 1000 people
Bowls	0.044 ha per 1000 people
Netball	0.014 ha per 1000 people
Floodlit multi-use games areas	0.038 ha per 1000 people
Sports halls	0.26 courts per 1000 people
Swimming pools	9.29 m2 per 1000 people
Synthetic turf pitches	0.03 pitches per 1000 people

Financial contributions

Contributions will be sought towards the cost of constructing and fitting out facilities, in addition to land provision. The following table sets out indicative costs for new sports facilities (excluding land purchase costs) as provided by Sport England (Facilities Costs for 2nd quarter 2012). The figures are intended to be used as a general guide by applicants and will vary depending upon the proposed location, the specifics of the scheme, and the timing of the development.

Facility type	Area (m2)	Indicative cost
Sports hall (1 court)	373	£810,000
Sports hall (4 court)	1,435	£2,715,000
Swimming pool (25 metre 5 lanes)	1,344	£3,600,000
Changing rooms (2 teams)	70	£235,000
Indoor bowls centre (6 rink)	1,914	£1,665,000
Outdoor bowling green (40 x 40)	1,600	£110,000
Indoor tennis centre (3 courts)	2,138	£1,880,000
Outdoor tennis court (2 courts)	1,227	£160,000
Synthetic football/hockey pitch (senior with lighting)	7,526	£740,000 - £850,000
Grass football pitch (senior)	7,697	£75,000
Grass rugby union pitch (senior)	12,320	£115,000
Grass cricket pitch	21,070	£200,000
Multi-use games area	720 - 782	£115,000 - £160,000
Athletics track (8 lane grass infield and artificial throws)	-	£1,190,000

4.9 Transport

Context

New growth will put further pressure on the roads and transport networks and create demand for strategic and local transport infrastructure improvements in the district. This section looks at the need for transport infrastructure improvements in relation to roads/highways, bus services, and walking and cycling networks. It also includes measures to reduce travel demand, for example through travel planning and demand management.

What is required?

Transport impacts of new development

New developments generate additional traffic movements and will be required to provide the necessary transport infrastructure to mitigate the impact of the development. Any alterations to the highway network within or in the vicinity of new development which are required should form part of the design of developments. Planning applications may be refused where applicants are unable or unwilling to provide the necessary improvements.

New development can also have wider impacts and may increase demands on the highway network that at certain times already operates above capacity. Planning obligations may be needed to address localised impacts, for example, relating to road safety, congestion or the need to encourage walking or cycling. This will be particularly relevant to larger developments and those which are expected to have more intensive traffic movements and parking demand (therefore many smaller developments are unlikely to require planning obligations in this manner). Examples of planning obligations secured may include junction improvements, a new bus service or traffic signal improvements. Agreement with Cambridgeshire County as Highways Authority on the timing of such infrastructure should also be secured as part of the Section 106 agreement.

Wider less direct impacts arising from development will be addressed through the use of CIL funds. Transport related improvements to address less direct impacts will be named on the Regulation 123 list.

Transport Statements or transport assessments will be required where there is a significant transport implications as a result of a development Applicants should seek the advice of the District Council and County Council to determine whether a Transport Assessment needs to be submitted with a planning application.

Preparation of travel plans

Policy S6 of the Core Strategy also requires proposals to be submitted with a travel plan where developments are likely to have significant transport implications. Applicants should seek the advice of the District Council and the County Council to determine whether a Travel Plan needs to be submitted with a planning application.

The expectation is that the Cambridgeshire Travel for Work Partnership will undertake the monitoring of approved travel plans within the district. Planning obligations may be sought to fund the monitoring of travel plans by the Travel for Work Partnership.

4.10 Other planning obligations

East Cambridgeshire District Council may also seek planning obligations for the following types of infrastructure and benefits. This list is not exhaustive but provides a number of potential areas.

- Biodiversity/natural habitats: works to protect or reinstate habitat features, enhance existing features, create new features or to undertake habitat creation.
- Historic environment: maintenance of heritage asset(s) which are located within or close to the site, investigation and the preservation of archaeological remains and public interpretation/display of heritage assets and archaeological sites.
- Burial land: provision of additional burial land or a cemetery may be required for large scale housing developments where there is an identified need for additional burial space within the locality. Planning obligations will be used to ensure that an area of land is made available on a suitable site.
- Flood defence works or contributions to improving existing defences: where developments are located in areas at risk of flooding and the need for site related flood defences has been identified in an approved flood risk assessment.
- Sustainable Drainage Systems (SuDs) to reduce surface water runoff from developments: SuDs should be included as part of the design of all developments within the district unless it can be demonstrated by the applicant that it is not feasible to provide these measures. Financial contributions through planning obligations may be sought towards the maintenance and/or monitoring of SuDs by the District Council or the County Council as SuDs Approval Body (where this not the responsibility of the landowner).
- Skills development: for large scale developments the Council will seek to ensure that employment and training/skills development opportunities are provided to local people which will be secured through planning obligations. Planning conditions will also be used to require the preparation of workplace skills strategies for new businesses.
- Delivery of jobs on mixed use sites: to secure the delivery of jobs or employment areas within mixed use schemes, at the same time as the residential parts of a site come forward.
- Community Development: provision of community development, sport or art officers may be required for large scale housing developments. Planning obligations will be used to fund officers to encourage greater participation in community activities and develop appropriate structures and community bodies.
- Waste management: as outlined in the County Council's RECAP Waste Management Design Guide SPD (adopted February 2012).

The Council will ensure that planning obligations for the infrastructure and benefits outlined above will not be sought unless, obligations meet the statutory tests, and that no more than five separate planning obligations are secured for the same.