



# **Greater Cambridge Planning Obligations Supplementary Planning Document**

**Draft for consultation – Winter 2024**

## Contents

Contents.....	2
Foreword.....	3
Executive Summary.....	4
Chapter 1: Introduction.....	5
Chapter 2: Approach to Planning Obligations.....	13
Chapter 3: How to use this Supplementary Planning Document.....	28
Chapter 4: Affordable Housing.....	30
Chapter 5: Green Infrastructure.....	40
Chapter 6: Biodiversity.....	44
Chapter 7: Community Facilities.....	50
Chapter 8: Social and Community Support Services.....	56
Chapter 9: Libraries and Lifelong Learning.....	60
Chapter 10: Transport and Highways.....	62
Chapter 11: Education.....	69
Chapter 12: Public Art.....	72
Chapter 13: Burial Space.....	76
Chapter 14: Public Open Space.....	78
Chapter 15: Indoor Sports, including Swimming.....	91
Chapter 16: Public Realm.....	95
Chapter 17: Waste and Recycling.....	97
Chapter 18: Emergency Services.....	102
Chapter 19: Planning Obligations to support local employment and skills.....	103
Chapter 20: Planning Obligations to support affordable workspace.....	110
Chapter 21: Public Rights of Way.....	114
Chapter 22: Healthcare.....	116
Chapter 23: Other Potential Development Specific Requirements.....	129
Appendix A: Children and Occupancy Yields.....	130
Appendix B: Schedule of Inputs Required for Viability Appraisal.....	132

## Foreword

There are significant challenges with accommodating further growth and development within the Greater Cambridge area. Planning obligations play a vital role in ensuring that the adverse impacts of any development proposals are appropriately managed, and that new development contributes towards meeting local infrastructure needs and achieving inclusive communities.

This Supplementary Planning Document explains how Cambridge City Council and South Cambridgeshire District Council will approach the use of planning obligations. It provides guidance on when planning obligations may be sought, the form an obligation may take, and how the scale of any obligation is to be determined and secured.

The overall aim of the guidance is to provide greater clarity on the process and expectations around planning obligations with the objective of speeding up the planning process. We look forward to developers and infrastructure providers using the guidance for future development in Greater Cambridge.



**Councillor Katie Thornburrow**

Executive Councillor for Planning Policy, Cambridge City Council



**Councillor Dr. Tumi Hawkins**

Lead Cabinet Member for Planning, Cambridgeshire District Council

## Executive Summary

The Greater Cambridge Planning Obligations Supplementary Planning Document (SPD) sets out the approach, policies and procedures taken by Cambridge City Council and South Cambridgeshire District Council in respect of the use of planning obligations. It supplements the policies in the adopted Local Plans, detailing the planning obligations the Councils will seek through Section 106 on a range of topics, and providing clarity on the processes that will be followed, with an overall aim to speed up the planning process.

Planning obligations under Section 106 of the Town and Country Planning Act 1990, commonly known as “Section 106 agreements”, are a mechanism used by the Council to make a development proposal acceptable. They are focused on site specific mitigation of the impact of development by way of direct provision of infrastructure (both on and off site of the development) and through the payment of financial contributions to the local planning authority.

The guidance provided forms an integral part of the development management process, as a material consideration in the determination of planning applications. It will support the Councils in securing infrastructure necessary to provide for the needs generated by new development and will also improve the process of negotiating, preparing, and completing a Section 106 agreement.

To promote consistency, the Councils have worked closely with Cambridgeshire County Council to incorporate infrastructure or service requirements for which the County Council is the delivery authority, including schools, transport and community services such as libraries and social care facilities.

The SPD is split into chapters that set out its purpose, approach to planning obligations and how the document can be used. Chapter four sets out the specific types of infrastructure or obligations that may need to be secured by applying policies of the adopted Local Plans to help to deliver good quality sustainable growth across the Greater Cambridge area.

## Chapter 1: Introduction

### Purpose of this document

- 1.1 The purpose of the Planning Obligations Supplementary Planning Document (SPD) is to provide supplementary planning guidance in support of the Policy 85: Infrastructure delivery, planning obligations and the Community Infrastructure Levy of the Cambridge City Local Plan 2018 and Policy TI/8: Infrastructure and New Developments of the South Cambridgeshire Local Plan 2018, alongside other policies within the adopted development plans that seek to secure infrastructure necessary to support the needs generated by proposed developments.
- 1.2 The purpose of this Planning Obligations SPD is to clearly set out the approach, policies, and procedures to be taken by Cambridge City Council and South Cambridgeshire District Council (here after referred to as 'the Councils') in respect of the use of planning obligations.
- 1.3 It has been prepared to:
  - Aid the smooth functioning of the planning application process by making developers, landowners and other stakeholders aware of the procedures for securing planning obligations, including the provision of affordable housing;
  - Clarify the types of planning obligations that may be sought depending on the nature and scale of the development proposal and site circumstances;
  - Enable planning obligations to be considered by applicants from the earliest stages of formulation of development proposals;
  - Allow for more timely and cost-effective decisions on planning applications that involve Section 106 Agreements; and
  - Help to deliver good quality sustainable growth across the Greater Cambridge area that accords with the policies and requirements of the Development Plans.
- 1.4 The obligations listed in this SPD are those that might be expected given the types of development provided for by the Local Plans, including adopted Neighbourhood Plans. However, it should be noted that other types of obligations, not covered within this SPD, may be required to manage or mitigate a specific development's impacts.

## Status of the document

- 1.5 This document is being prepared as a Supplementary Planning Document (SPD). Part 5 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (“the Regulations”) sets out the procedure for the production of SPDs. This version of the Planning Obligations SPD constitutes the consultation version required to be carried out under Regulation 12 of Part 5 of the Regulations.
- 1.6 The Planning Obligations SPD is intended to be a material consideration in the determination of planning applications. The SPD does not introduce new planning policy but seeks to give effect to existing development plan policies. The guidance in this SPD is consistent with the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and is consistent with the policies in the adopted Development Plan for the area. The SPD does not repeat policies or guidance within the NPPF, NPPG, the Local Plans, Area Action Plans, Waste & Minerals Local Plan, or other SPDs. Therefore, this SPD should be read in conjunction with these documents.
- 1.7 Upon adoption, it is intended to revoke the Cambridge City Council Planning Obligations Strategy SPD 2010, as it will be superseded by this SPD. Specific elements of the South Cambridgeshire Open Space in New Development SPD will be superseded, in particular in relation to costings, but the document overall will remain a material consideration.

## Consultation on the Planning Obligations SPD

- 1.8 This is the consultation version of the SPD and the Councils’ welcome comments on the draft document. The consultation runs from Thursday 28 November 2024 to Friday 24 January 2025.

## Managing the impact of new development

- 1.9 Across Greater Cambridge, the two adopted Local Plans make provision for an additional 33,500 new homes and 22,100 new jobs between 2011 and 2031. This growth will result in increased pressure on local infrastructure, services, and facilities, creating demands for new provision. The Councils’ and developers have a responsibility, through the planning process, to manage the impact of this growth and ensure that any harm caused by development is mitigated and that necessary infrastructure is provided in a timely manner.

1.10 The infrastructure required to support Greater Cambridge's planned growth has been identified in the respective Infrastructure Delivery Plans (IDPs) prepared in support of the Local Plans. The Councils expect new development to contribute to site related and wider infrastructure needs through a combination of the following mechanisms:

- Planning conditions
- Planning obligations
- Section 278 Agreements
- A future Community Infrastructure Levy or similar.

### **Planning conditions**

1.11 Planning conditions are requirements made by the local planning authority, in the grant of planning permission, to ensure that certain actions related to the development proposal are carried out. Planning conditions are likely to cover, amongst other things, the submission of reserve matters; controls over the materials to be used; controls over the occupation of new buildings or further stages of development until certain other actions are completed; the requirement to undertake further investigations as work proceeds (for example, archaeological recording); construction in accordance with the submitted method statement; and the requirement to implement works in accordance with the submitted plans such as landscaping, tree planting, drainage works etc; and requirements for the certification of works following completion.

1.12 Where there is a choice between imposing planning conditions and entering into a planning obligation to manage the impacts of a new development, the use of planning conditions is always preferable.

### **Planning obligations**

1.13 Development standards, such as those prescribed in local planning policies, and site-specific works, are an integral part of the acceptability of a development proposal in planning terms and are normally required to be implemented as part of the delivery of a development scheme. Where a development proposal does not meet the standards required of local planning policy, it may be possible to make development proposals acceptable in planning terms through the use of planning obligations.

1.14 Planning obligations are used to secure measures which are essential for the development to proceed and measures which are required to mitigate the impact of the development. Planning obligations do this through:

- Prescribing the nature of a development (for example, by requiring a proportion of affordable housing);
  - Securing a contribution from a developer to compensate or re-provide for loss or damage created by a development (for example, the creation of habitats); and
  - Mitigating a development's impact on the locality (for example, through the securing of environmental improvements and the provision of both on and off-site infrastructure and facilities to serve the development).
- 1.15 The outcome of the use of planning obligations should be that the proposed development is brought into compliance with the Local Plan policies and that any development specific works are undertaken satisfactorily. Used properly, planning obligations can significantly increase the quality of development.
- 1.16 While planning obligations can secure benefits capable of mitigating the adverse impacts of a development, they cannot however, be used to make a bad application good where, for example, a scheme does not comply with the spatial strategy and land use principles of the Local Plan.

### **S278 Agreements**

- 1.17 These are agreements, made with the Local Highways Authority under the Highways Act 1980 (as amended), to authorise works on the public adopted highway network that have been identified and determined as necessary for planning permission to be granted. This SPD does not specify the circumstances in which a s278 agreement will be required. Requirements for s278 agreements will be negotiated separately, including any associated fees.

### **A future Community Infrastructure Levy (CIL) or similar**

- 1.18 CIL is a levy (expressed as pounds per square metre) that is charged on the net additional floorspace created by certain types of new development. The purpose of the levy is to help pay for strategic local infrastructure such as schools, transport, libraries, parks, leisure facilities and other strategic infrastructure that is needed to manage the cumulative impacts of new development and to create sustainable communities.
- 1.19 The Councils are continuing to review whether a CIL should be introduced to support implementation and delivery of the Greater Cambridge Local Plan that is currently being developed. In the interim, s106 planning obligations will continue to be the primary mechanism used to secure community benefits.



## Legislative and planning policy context

### Legislative

- 1.20 The legislative framework for planning obligations is set out in Section 106 of the Town & Country Planning Act 1990, as amended by Section 12 of the 1991 Planning and Compensation Act, and the Localism Act 2011.
- 1.21 In accordance with the Town & Country Planning Act, planning obligations:
- May be either positive, i.e. requiring a person to carry out a specified action, or negative, i.e. restricting a person from developing or using the land in a specified way;
  - May be entered into either by agreement with the Local Planning Authority or by an undertaking by the developer to which the Local Planning Authority is not a party (e.g. unilateral undertaking);
  - Must be entered into by means of a Deed;
  - Must be registered as a local land charge (for the purposes of the Local Land Charges Act 1975);
  - Run with the land and may be enforced against the person entering into it and against any successors in title; and
  - Can be enforced by means of a contractual claim in the civil courts or injunction.
- 1.22 Further detail on these aspects of planning obligations is provided in Chapter 2 of the SPD.
- 1.23 Further statutory provisions are set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (“the CIL Regulations”), as amended.
- 1.24 The CIL Regulations place into law for the first time, the Government’s policy tests on the use of planning obligations. As of 6 April 2010, it became unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, if the obligation does not meet all of the following tests:
- a. necessary to make the development acceptable in planning terms;
  - b. directly related to the development; and
  - c. fairly and reasonably related in scale and kind to the development.

## National policy

- 1.25 At the national level the National Planning Policy Framework (2024) (NPPF) sets out the Government's economic, environmental and social planning policies for England. Paragraphs 56 to 58 of the NPPF, deal with the use of planning conditions and planning obligations. These reiterate the use of planning obligations to make unacceptable development acceptable in planning terms; the tests for use of obligations set out in the CIL Regulations; uphold the long-standing principal that planning conditions are preferable to planning obligations; and how any implications for development viability may be addressed.
- 1.26 The National Planning Practice Guidance (NPPG) provides further advice on the nature of planning obligations especially at paragraphs 001 Reference ID: 23b-001-20190315 to 006 Reference ID: 23b-006-20190901. In particular, paragraph 004 (23b-004-201901) states that policies on planning obligations should be informed by evidence and that it is not appropriate to set out formulaic approaches to planning obligations in supplementary planning documents. This SPD follows this guidance. Each application is to be assessed on its merits and only those obligations necessary to make the development acceptable in planning terms will be requested. While formulae are used for certain types of infrastructure, this is intended to provide an indication of the level and/or cost of an obligation to inform negotiations specific to a development proposal.

## Local policy

- 1.27 The Local Plans for the Cambridge City and South Cambridgeshire District were both adopted in 2018. With respect to the Cambridge City Local Plan, Policy 1 defines sustainable development in a Cambridge City context. Alongside housing and employment needs, it identifies a number of specific land use requirements needed across the City to support its growth, including additional education spaces, a district heat network, and the provision of a high-quality sustainable transport network. Policy 1 also highlights Cambridge's outstanding historic environment that must be protected and enhanced for growth within the City to be considered sustainable. The latter extends to the City's townscape and the landscape setting of the city edge.
- 1.28 Subsequent policies in the Plan go on to provide more detail on how new development proposals are to give effect to the requirements of Policy 1, including the delivery of sustainable transport infrastructure (Policy 5); the protection and enhancement of the River Cam environs (Policy 7); the setting of the City (Policy 8); carbon and water efficiency (Policy 28); water

management (Policy 31); the provision affordable housing (Policy 45); responding to local context (Policy 55); creating successful places (Policy 56); conservation of the historic environment (Policy 61); and protecting open space (Policy 67) and biodiversity (Policy 69). Policies 10 – 27 set out existing and proposed development opportunities and identify the site-specific requirements to be delivered as part of any proposals coming forward.

- 1.29 Policy 85 specifically addresses infrastructure delivery and planning obligations. It states that planning permission will only be granted where it can be demonstrated there is, or will be, sufficient infrastructure capacity to support and meet all the requirements arising from the new development. If existing infrastructure will be placed under strain due to the impact of new development, improvements to existing infrastructure or compensatory provision should be made so that an appropriate level of infrastructure is maintained.
- 1.30 Policy 85 also includes an indicative list of planning obligations that may be sought in the course of applying the other policies of the Local Plan to new development. This includes transport infrastructure; public transport; drainage and flood protection; waste recycling facilities; education; healthcare; leisure and recreation facilities; community and social facilities; cultural facilities, including public art; emergency services; green infrastructure; open space; and affordable housing. It clarifies that this list is not exhaustive and contributions towards ongoing maintenance may also be required where deemed appropriate.
- 1.31 With respect to the South Cambridgeshire Local Plan, Policy S/2 establishes the strategic planning objectives for the District, many of which are likely to be relevant to the securing of planning obligations. These include part b. protecting local character, built and natural heritage; part c. housing choice; part d. responding to climate change; part e. access to a range of services and facilities; and part f. maximising sustainable travel.
- 1.32 Policies SS/1 - SS/8 allocate land for development and contain specific development requirements that concern the protection/retention of existing features, the mitigation of impacts, and the provision of new infrastructure. Other policies throughout the plan set out the standards and requirements new development are to meet through the layout, design, and use of land and buildings, including the provision of affordable housing, environmental quality, and the delivery of sustainable transport and infrastructure.
- 1.33 Policy TI/8 states that planning permission will only be granted for proposals that have made suitable arrangements for the improvement or provision of infrastructure necessary to make the scheme acceptable in planning terms. It

establishes that the nature, scale and phasing of any planning obligations sought will be related to the form of the development and its potential impact upon the surrounding area, and that the obligations may include a contribution towards the future maintenance and upkeep of facilities.

- 1.34 The supporting text to Policy TI/8 sets out an indicative list of infrastructure types to which new schemes may be required to deliver as part of the development or contribute towards, including affordable housing, including for key workers; education (including nursery and pre-school care); health care; public open space, sport and recreation facilities (including strategic open space); improvements (including infrastructure) for pedestrians, cyclists, equestrians, highways and public and community transport; other community facilities (e.g. community centres, youth facilities, library services social care, and the provision of emergency services); landscaping and biodiversity; drainage / flood prevention; waste management (pursuant to the Cambridgeshire & Peterborough Minerals and Waste Development Plan); arts and cultural provision; community development workers and youth workers; other utilities and telecommunications; and the preservation or enhancement of the historic landscape or townscape. As well as capital costs, depending on the nature of the services and facilities, contributions may also be required to meet maintenance and/or operating costs either as pump priming or in perpetuity, provided through an obligation.
- 1.35 Both Plans were supported by a detailed evidence base. This included an Infrastructure Delivery Study (updated in 2015), which explored infrastructure needs and costs, when and where infrastructure will need to be provided, the scale of funding needed to achieve this, and potential sources of funding. A new study is being prepared to inform the emerging Greater Cambridge Local Plan.
- 1.36 Paragraph 10.47 of Policy TI/8 states that there are some forms of development where contributions will not be sought as set out in national planning practice guidance. It suggests this might apply to custom and self-build housing schemes as well as starter homes. However, since publication of the South Cambridgeshire Local Plan, no such exemptions have been expressed in national planning practice guidance with respect to the seeking of appropriate s106 obligations. As such, no developments are exempt from securing obligations as required to make a development acceptable in planning terms other than where expressly stated in the Local Plan policies or national policy.