

Greater Cambridge Planning Obligations Supplementary Planning Document: Adoption – March 2025

To:

Cllr Katie Thornburrow, Executive Councillor for Planning, Building Control and Infrastructure
Planning and Transport Scrutiny Committee, 25 March 2025

Report by:

Stephen Kelly, Joint Director for Planning and Economic Development
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Wards affected:

All

Director Approval: Stephen Kelly, Joint Director of Planning, confirms that the report author has sought the advice of all appropriate colleagues and given due regard to that advice; that the equalities impacts and other implications of the recommended decisions have been assessed and accurately presented in the report; and that they are content for the report to be put to the Executive Councillor for decision.

1.	Recommendations
1.1	It is recommended that the Executive Councillor for Planning, Building Control and Infrastructure: 1. Considers the main issues raised in the public consultation, agree responses to the representations received, as set out in the Statement of Consultation (Appendix A of this report); 2. Agrees that revisions to the to the draft Planning Obligations Supplementary Planning Document (SPD) and additional evidence be prepared, and a decision on revisions be taken by the Executive Councillor for Planning, Building Control and Infrastructure in consultation with Chair and Spokes; and 3. Agrees that subsequent to those revisions, an additional public consultation be carried out in summer 2025 on the amended draft SPD and supporting evidence.
2.	Purpose and reason for the report
2.1	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 will supplement 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.
2.2	This report presents the results of public consultation carried out on the draft SPD, and seeks authorisation to prepare a revised draft and to carry out a further stage of public consultation. The results of the consultation would then be reported to this committee for member consideration and to consider adoption of the SPD.
3.	Alternative options considered
3.1	The option to not review the existing guidance on planning obligations was considered but preparing a new Supplementary Planning Document was deemed the most effective strategy in improving the planning application process as information in the document will support developers and landowners in negotiating, preparing and completing a S106. Adoption of the draft version of the SPD that was subject to consultation, as it is considered further changes are needed to the SPD which warrant an additional stage of consultation.
4.	Background and key issues
4.1	The purpose of the Greater Cambridge Planning Obligations SPD is to provide guidance on how the Councils seek to apply planning obligations, through the Section 106 process, to new development proposals. It will supplement Policy 85: Infrastructure delivery, planning obligations and the Community Infrastructure Levy of the Cambridge 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.
4.2	The Planning Obligations SPD forms part of a wider project the Greater Cambridge Shared Planning Service are undertaking to improve and speed up the Section 106 process. It has been prepared to: • Improve transparency and clarity of the S106 process for communities and for those interested in development. • Aid the smooth functioning of the planning application process by making developers and landowners 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 of the development proposal and site circumstances;

	• Clarify the relationship between planning obligations and planning conditions; and • Help to deliver good quality sustainable growth across the Greater Cambridge area that accords with the policies and requirements of the Development Plans.
4.3	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 policies in the adopted Development Plan for the area.
4.4	The SPD outlines the policy requirements set out in the Local Plans, and the types of obligations likely to arise as a result of applying these local planning policies. In the Planning Obligations SPD, the process of negotiating, preparing, and completing a S106 agreement is outlined.
4.5	The SPD is split into chapters that set out specific types of infrastructure or obligations that may need to be secured in line with adopted local planning policies. The types of infrastructure or mitigation applicable is dependent on the land use proposed (residential, commercial, mixed-used), the scale of development proposed, the location of development, and its impacts (environmental, economic, social) both on the immediate and wider area.
4.6	In line with Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012, the SPD and supporting documents were subject to public consultation. To account for the consultation period running over a holiday period, the consultation period was carried out for eight weeks from Thursday 28 November 2024 to Friday 24 January 2025.
4.7	The draft SPD and supporting documents were published on the Greater Cambridge Shared Planning website and stakeholders were notified of the start of the consultation. Documents were made available to view in person at Council offices and the Cambridge Central Library. Comments could be made using the online consultation system, by email, or post. One in-person consultation event was held during the consultation period, where members of the public were invited to find out more about the SPD and give their views. This was held at the Clay Farm Centre on Thursday 12 December 2024. An online webinar was held Tuesday 10 December 2024 where members of the public could participate in a question-and-answer session with officers.
4.8	There was a total of 198 representations received during the public consultation period. The Statement of Consultation (Appendix A) provides a summary of the main issues raised by the comments, and how those issues have been addressed.
4.9	Key issues raised during this consultation include the following:

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| | <ul style="list-style-type: none">a. Concerns from Homes Builders Federation and a number of planning agents and developers on issues including that the SPD was introducing additional development costs, that requirements had not been justified, and about the impact on development viability.b. Further information should be provided on how a number of the indicative costings were derived to ensure transparency.c. Some comments question the use of pricing formulas, whilst others suggest some topics lack the specificity to enable readers to understand what contributions are likely to be requested.d. A range of technical and legal matters on the Section 106 process where clarifications or modifications were sought. This includes matters related to fees. A number of comments also seek to add clarification that contributions would only be secured when a need was identified and when the requirement would satisfy planning regulations.e. On transport matters, queries around how a trip budget approach should be operated through a section 106 agreement.f. Questions on the appropriateness of funding lifelong learning initiatives through residential development as it does not demonstrate it is necessary to make the development acceptable in planning terms.g. Objection to the requirement for contributions to burial space, as no direct correlation between burial space needs and development.h. Challenge the approach to funding for the emergency services, and whether contributions are justified.i. Objections to the introduction of sections encouraging employment and skills plans and affordable employment space is, on the basis these are matters to be considered through the new local plan.j. Support from a number of organisations about their relevant topic areas, for example from Natural England and NHS. Others identify additional planning obligations that may be needed or modifications that should be made to ensure issues are fully addressed, including Sport England.k. The approach to cross boundary infrastructure should be clarified, to highlight that there may be instances where infrastructure serving a site may be in neighbouring authority areas. |
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4.10	There was also general feedback from parish councils and resident groups regarding the size of the consultation documents and the ability for consultees to review all materials within the consultation period. This feedback has been reviewed by the Planning Policy Team, and we are taking these comments on board for future consultations to ensure all parties feel they can meaningfully engage and contribute their views effectively.
4.11	Comments raised on the requirements set out in the draft SPD have been carefully considered. Due to the nature of the document, there are a large number of technical points. The majority of these are from planning agents representing developers. Whilst officers consider that the overall approach to the document and the approach to the guidance on the planning obligations issues that it provides is sound, a range of amendments will be needed to the document. In addition, responding to representations regarding the justification for a number of the costings, it is considered that in order to reduce the risk of challenge to the document and prior to the Council seeking to adopt the SPD, additional evidence should be published and consulted upon.
4.12	Given the consultation responses, and the importance of clarity on the basis for and details around obligations, it is proposed that the SPD should be updated and a further public consultation on the amended SPD should be carried out in Summer 2025.
4.13	This report and recommendations in this report will also be considered by South Cambridgeshire District Council Cabinet on Tuesday 25 March 2025.
5.	Corporate plan
5.1	The Greater Cambridge Planning Obligations SPD aligns with the visions and strategies as set out in the Cambridge City Council Corporate plan 2022-2027: Corporate plan 2022-27: our priorities for Cambridge - Cambridge City Council
5.2	Priority 1: Leading Cambridge's response to climate change and biodiversity emergencies If adopted, the SPD would support the Council in addressing the impacts of development on a range of issues that have climate related impacts including transport and biodiversity. For example, in relation to biodiversity, the SPD sets out the approach to S106 and requirements of Biodiversity Net Gain (BNG).
5.3	Priority 2: Tackling Poverty and Inequality and helping people in the greatest need The SPD seeks to secure mitigation measures from appropriate developments to address impacts to community services and facilities.

5.4	Priority 3: Building a new generation of council and affordable homes and reducing homelessness. The SPD explains the Councils' approach to the delivery of affordable housing through Section 106 planning obligations. It is supplementary to and expands upon the Local Plan policies for affordable housing, which are set out in the Cambridge City Local Plan (Policy 45) and the South Cambridgeshire Local Plan (Policy H/10 and H/11). It explains how the policies will be applied and provides additional information on what will be expected when dealing with planning applications for development for which an element of affordable housing should be provided.
5.5	Priority 4: Modernising the council to lead a greener city that is fair for all If adopted, the SPD would support the council in achieving this priority as the document seeks to ensure that sufficient S106 funding is secured to address the impacts of development to make it acceptable in planning terms.
6.	Consultation, engagement and communication
6.1	During the preparation of the draft SPD a range of consultation had taken place with relevant Council Teams, and other organisations, including the County Council. As detailed in the report the draft SPD has been subject to public consultation. A further stage of public consultation is now recommended.
7.	Anticipated outcomes, benefits or impact
7.1	If adopted, the Greater Cambridge Planning Obligation SPD will be a material consideration in the determination of planning applications. The SPD will support the Council's in securing infrastructure necessary to provide for the needs generated by new development. It will also improve the process of negotiating, preparing and completing a S106 agreement.
8.	Implications
8.1	Relevant risks
	In the writing of this report consideration was given to the following implications: A) Financial

	B) Legal C) Equality and socio-economic implications D) Net Zero Carbon, Climate Change and Environmental Implications E) Procurement Implications F) Community Safety Implications All of the implications listed have been considered below.
	Financial Implications
8.2	The SPD seeks to provide guidance on how planning obligations will be addressed, which will have financial implications. The guidance that has been provided within the Greater Cambridge Planning Obligations SPD will help to ensure that the process of securing planning obligations as part of development will be robust and effective.
	Legal Implications
8.3	There are no legal implications arising from the report. Officers have sought appropriate legal advice from 3C Legal when preparing the SPD.
	Equalities and socio-economic Implications
8.4	There are no specific implications of this review. The Greater Cambridge Planning Obligations SPD has been informed by an Equality Impact Assessment (EqIA).
	Net Zero Carbon, Climate Change and Environmental implications
8.5	The SPD would seek to secure climate change related mitigation measures from new developments, supporting matters like recycling, sustainable transport, food security, and biodiversity. These could be judged as medium positive.
	Procurement Implications
8.6	There are no procurement implications arising from the report.
	Community Safety Implications
8.7	There are no community safety implications arising from the report.
9.	Background documents Adopted Cambridge Local Plan (2018)

	Adopted South Cambridgeshire Local Plan (2018) Cambridge City Council Planning Obligations strategy SPD 2010 Previous consultation documents Previous Committee Meeting: Agenda for Planning and Transport Scrutiny Committee on Monday, 4th November, 2024, 5.30 pm - Cambridge Council Draft Greater Cambridge Planning Obligations Supplementary Planning Document Greater Cambridge Planning Obligations Supplementary Planning Document Equality Impact Assessment Greater Cambridge Planning Obligations Supplementary Planning Document Sustainability Appraisal and Strategic Environmental Assessment Screening Report Greater Cambridge Planning Obligations Supplementary Planning Document Habitat Regulations Assessment Screening Report Greater Cambridge Planning Obligations Supplementary Planning Document Consultation Statement Full consultation representations can be viewed online: Greater Cambridge Shared Planning - Draft Greater Cambridge Planning Obligations Supplementary Planning Document Consultation.
9.1	Upon adoption, it is intended to revoke the Cambridge City Council Planning Obligations Strategy SPD 2010, as it will be superseded by this SPD.
10.	Appendices
10.1	Appendix A: Statement of Consultation
	To inspect the background papers or if you have a query on the report please contact: James Fisher - S106 Officer Telephone: 01954 713217 james.fisher@greatercambridgeplanning.org Jonathan Dixon - Planning Policy Manager Telephone: 01954 713194

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