

EAST CAMBRIDGESHIRE DISTRICT COUNCIL

Draft Supplementary Planning Document on Developer Contributions

Consultation period – 14th January to 11th February 2013

Statement of Representations

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1. Overview of consultation

This document sets out the results of consultation on the Draft SPD on Developer Contributions, held between 14th January and 11th February 2013. Publicity on the document involved:

- Notifying approximately 270 key stakeholders via email (including developers, agents, landowners, Parish and Town Councils, Cambridgeshire County Council and neighbouring local planning authorities)
- Consultation documents published on homepage of the Council's website
- Press notice placed in the Cambridge Evening News advertising the Draft SPD consultation

A total of 24 people/organisations commented on the Draft SPD – making approximately 85 comments. A summary of the main issues raised is set out in section 2 below. A summary of the responses made on each question is set out in section 3 below. Responses were received from the following people/organisations:

1. <i>Mantle</i>	13. Cambridgeshire County Council
2. <i>Chippenham Parish Council</i>	14. Cambridgeshire Primary Care Trust
3. Stetchworth Parish Council	15. Rupleys on behalf of Associated British Foods
4. <i>Anglian Water</i>	16. Savills on behalf of Healy Investment Ltd
5. Unex Group Holdings Ltd	17. English Heritage
6. <i>Witcham Parish Council</i>	18. Environment Agency
7. Natural England	19. City of Ely Council
8. Huntingdonshire District Council	20. Bidwells on behalf of Barratts Eastern Counties Ltd
9. Indigo Planning on behalf of Sainsburys Supermarkets Ltd	21. Rosemary Aitchson
10. Cheffins	22. <i>The Planning Bureau on behalf of McCarthy & Stone</i>
11. Smith Gore on behalf of Church Commissioners	23. <i>Haddenham Parish Council</i>
12. Hundred Foot Washes/Sutton & Mepal Internal Drainage Board (IDB)	24. East Cambridgeshire District Council Legal Team

Those organisations and individuals who responded to provide 'no comments' as part of the consultation are set out in italics above.

2. Summary of main issues which were raised

General approach to seeking planning contributions	Respondents
Potential for double counting or charging for infrastructure as part of CIL and planning obligations for the same type of infrastructure ¹ .	Unex Group Holdings Ltd, Smith Gore on behalf of Church Commissioners, Savills on behalf of Sainsburys Supermarkets Ltd, Cheffins and Bidwells on behalf of Barratts Eastern Counties Ltd
Lack of justification for 5% of financial contributions being sought for the District Council's costs of collecting, spending and monitoring of planning obligations.	Indigo Planning on behalf of Sainsburys, Savills on behalf of Sainsburys Supermarkets Ltd and East Cambs DC Legal Team
Need to clarify relationship between open space and strategic green infrastructure.	Natural England, Smith Gore on behalf of Church Commissioners and Bidwells on behalf of Barratts Eastern Counties Ltd
Other financial viability models apart from the HCA Development Appraisal Tool should be considered.	Smith Gore on behalf of Church Commissioners
Reference should be made to the statutory tests for planning obligations outlined in legislation	East Cambridgeshire District Council Legal Team

Key assumptions relating to housing mix, size and occupancy	Respondents
Concerns relating to the District Council's preferred housing mix for affordable and private housing	Smith Gore on behalf of Church Commissioners, Rapleys on behalf of Associated British Foods and Cambridgeshire County Council

¹ Reference to this issue is also made in relation to the open space, community meeting buildings, education, healthcare, transport and other planning obligations.

Affordable housing	Respondents
Concerns relating to affordable housing targets set out in the adopted Core Strategy	Unex, Cambridgeshire County Council and Cambridgeshire Primary Care Trust
Concern relating to threshold for seeking affordable housing a set out in the adopted Core Strategy (3 or more dwellings)	Bidwells on behalf of Barratts Eastern Counties Ltd
Concern relating to proposed method for calculating affordable housing requirement	Rapleys on behalf of Associated British Foods and The Planning Bureau on behalf of McCarthy & Stone

Open space	Respondents
Retail development should not be required to provide financial contributions towards the provision of open space	Indigo Planning on behalf of Sainsburys Supermarkets Ltd and Savills on behalf of Healy Investment Ltd

Community meeting buildings	Respondents
Reference should be made to potential for dual/joint use of community buildings	Smith Gore on behalf of Church Commissioners and Cambridgeshire County Council

Education	Respondents
Reference should made to how financial contributions for education contributions will be determined	Smith Gore on behalf of Church Commissioners

Healthcare	Respondents
Need to include reference to healthcare facilities being provided on locations identified by the Cambridgeshire Primary Care Trust	Smith Gore on behalf of Church Commissioners and Cambridgeshire Primary Care Trust

Other planning obligations	Respondents
Reference should be made to the statutory tests for planning obligations	Smith Gore on behalf of Church Commissioners
Reference should be made to the bodies responsible for the maintenance of drainage infrastructure which will sought as part of planning obligations.	Hundred Foot Washes/Sutton & Mepal Internal Drainage Board (IDB)

3. General comments relating to the whole document

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
City of Ely Council	19		Members fully supported this document, which sets out the Council's approach to seeking planning contributions for infrastructure and environmental improvements.	Support noted.

4. Summary of responses to the Draft Supplementary Planning Document questions

Q3. Do you agree or disagree with the Council's general approach for seeking planning contributions from development schemes, as outlined in Chapter 3?

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
Stetchworth Parish Council	3	Agree	Development schemes can make a big difference to the balance of facilities in a small to medium village. For instance a group of starter homes or affordable houses could mean that the local school needs an extra class or that the play facilities in the village are inadequate and it would seem to be right that the developer has to take such needs into account when building	Support noted.
Unex Group Holdings Ltd	5	Disagree	Despite the assurance contained in paragraph 3.2.3 that the District Council will ensure that no double counting takes place and that developers will not be charged twice, the draft SPD appears to allow such double charging to take place. When the CIL consultation was taking place the Council advised that all	Disagree - the SPD is intended to provide guidance and sets out a clear split between infrastructure sought via S106 and CIL. The Council is aware of and understands the CIL Regulations (regulations 122 and

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
			<p>general infrastructure would be covered by CIL and that S106 obligations would only be required for affordable housing and for development specific mitigation of directly related immediate effects of a development, e.g. improvements to an access / junction. If CIL is meant to pay for schools, for example, will developers of large sites where the school is provided on site be exempt from having to pay the CIL contribution? If not, the developer will have paid twice towards education. The same point applies to other topics such as health provision, sports provision, transportation and community facilities etc. Where financial contributions are provided in lieu of on site provision that again is surely an example of double counting. There is even a reference to S106 monies to pay for improvements to local bus services which cannot be claimed to be an on site mitigation.</p>	<p>123) and has no desire to attempt to act illegally or improperly. Under the new regulations and legislation, it will not be possible for a Council to double charge for infrastructure requirements. It would soon be questioned by developers, and challenged. In summary, we have no desire to attempt it and it would not be possible anyway.</p> <p>It is also important to note that the amount of funding available through CIL will not be sufficient for all infrastructure requirements.</p>
Natural England	7		<p>Making reference to the Cambridgeshire Green Infrastructure Strategy (2011), or a Local Green Infrastructure Strategy would give the SPD more clarity and direction in relation to the CIL contributions for “strategic green infrastructure” on page 6.</p>	<p>Agree - there is a need for greater clarity about the distinction between the definitions of open space and green infrastructure as currently set out in the Draft SPD.</p> <p>It is therefore proposed to amend table 3.2 as follows (text underlined): <u>Development of district wide strategic green infrastructure</u></p>

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
				<p><u>network (where off site and unrelated to specific developments)</u></p> <p>It is also proposed to include additional wording in Section 4.4 of the SPD as follows:</p> <p><u>'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.</u></p>
<p>Indigo Planning for Sainsbury's Supermarket Ltd</p>	<p>9</p>		<p>Paragraph 3.3.14 states that the District Council will seeks to cover the costs of collecting, allocating, spending and monitoring of planning obligations and that the Council will use up to 5% of the value of the monetary contributions towards these purposes. It does not say how this amount will be determined. This should be negotiated on a case by case basis with the applicant.</p>	<p>Disagree – the District Council's costs associated with administering the collection of S.106 receipts are distinct from that associated with CIL charges. Also the amount of monies which will be sought by the District Council for this purpose will be significantly reduced as a result of the introduction of CIL charges.</p>

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
Cheffins	10	Disagree	<p>1. It is still not clear how the Council will ensure that 'double counting' will not take place, and that developers will not be charged twice for the same infrastructure. Table 3.2 provides little clarity on the split between infrastructure that will be delivered through CIL, and infrastructure that will be delivered through section 106.</p> <p>2. How will the Council decide what is "development specific" infrastructure, and what is "other" infrastructure? 3. The Regulation 123 list for CIL has not identified any projects that fall within the 'major' (between £100k and £4m) or 'minor' (under £100k) categories, and at this stage the Council states that it will only use CIL receipts for three 'strategic' (i.e. over £4m) infrastructure projects – a secondary school at Littleport; Ely Leisure Centre; and a new railway station at Soham. Potentially therefore, there is clearly a risk that section 106 contributions for community facilities on North Ely and CIL payments could both be used for the Ely Leisure Centre, making the developer pay twice for the same infrastructure. It is still not at all clear how such a situation could be seen to be avoided. 4. Table 3.1 specifies a threshold</p>	<p>Agree (in part) – the SPD is intended to provide guidance and sets out a clear split between infrastructure sought via S106 and CIL. The Council is aware of and understands the CIL Regulations (regulations 122 and 123) and has no desire to attempt to act illegally or improperly. Under the new regulations and legislation, it will not be possible for a Council to double charge for infrastructure requirements. It would soon be questioned by developers, and challenged. In summary, we have no desire to attempt it and it would not be possible anyway.</p> <p>The intention is that the Regulation 123 list will be reviewed and updated later this year following discussions with Cambridgeshire County Council and other partner organisations.</p> <p>The footnote to Table 3.1 explains the purpose of this threshold and that any planning obligations will have to be considered on a site by site basis</p>

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			<p>of 100+ dwellings above which payments for “other development-specific infrastructure” will be required. There is no evidence as to how this threshold has been calculated – the footnote on page 5 recognises that it is only illustrative, and that the threshold will vary from scheme to scheme. Such a policy creates uncertainty and strongly suggests that the burden for development contributions is unfairly biased towards strategic sites. Finally, we should stress that a detailed response to this vague SPD is impossible until schemes are progressed, as the amount of contributions, phasing of development and relationship to CIL cannot yet be quantified.</p>	<p>dependant upon the scale of the development proposed and the availability of infrastructure within the locality.</p> <p>However it is proposed to amend the footnote of Table 3.1 for greater clarity (as follows):</p> <p>The threshold of 100+ dwellings is provided for illustrative purposes only. It 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.</p> <p>However it is proposed to amend Table 3.2 to provide further clarity in relation to open space and emergency services as follows:</p> <p><u>Development specific police service provision</u></p>

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				<p><u>District wide</u> Police service infrastructure requirements</p> <p><u>Development of district wide strategic green infrastructure network (where off site and unrelated to specific developments)</u></p>
<p>Smith Gore on behalf of Church Commissioners</p>	<p>11</p>		<p>Despite the assurance contained in paragraph 3.2.3 that the District Council will ensure that no double counting takes place and that developers will not be charged twice, the draft SPD appears to allow such double charging to take place. When the CIL consultation was taking place the Council advised that all general infrastructure would be covered by CIL and that S106 obligations would only be required for affordable housing and for development specific mitigation of directly related immediate effects of a development, e.g. improvements to an access / junction. If CIL is meant to pay for schools, for example, will developers of large sites where the school is provided on site be exempt from having to pay the CIL contribution? If not, the developer will have paid twice towards</p>	<p>Disagree – the SPD is intended to provide guidance and sets out a clear split between infrastructure sought via S106 and CIL. The Council is aware of and understands the CIL Regulations (regulations 122 and 123) and has no desire to attempt to act illegally or improperly. Under the new regulations and legislation, it will not be possible for a Council to double charge for infrastructure requirements. It would soon be questioned by developers, and challenged. In summary, we have no desire to attempt it and it would not be possible anyway.</p>

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			<p>education. The same point applies to other topics such as health provision, sports provision, transportation and community facilities etc. Where financial contributions are provided in lieu of on site provision that again is surely an example of double counting. There is even a reference to S106 monies to pay for improvements to local bus services which cannot be claimed to be an on site mitigation.</p>	
<p>Smith Gore on behalf of Church Commissioners</p>	<p>11</p>		<p>The Council has taken the approach that there is no 'double counting' provided that it does not require a developer to pay for the same <i>piece</i> of infrastructure both through S106 and CIL. From a landowner/developer's perspective there is still double counting in that a developer will be required to pay for the same <i>type</i> of infrastructure twice. For example, on a large site, the developer may be required to pay for a primary school (and donate the land required for it) and also pay CIL charges which may be used to fund primary schools elsewhere in the District. We therefore object to this approach as it appears the Council is following a route that will result in double counting.</p> <p>In the CIL guidance (December 2012) para 88 states that 'Where the regulation 123 list includes a generic item (such as education or transport), section 106 contributions should not</p>	<p>Disagree - the SPD is intended to provide guidance and sets out a clear split between infrastructure sought via S106 and CIL. The Council is aware of and understands the CIL Regulations (regulations 122 and 123) and has no desire to attempt to act illegally or improperly. Under the new regulations and legislation, it will not be possible for a Council to double charge for infrastructure requirements. It would soon be questioned by developers, and challenged. In summary, we have no desire to attempt it and it would not be possible anyway.</p> <p>Disagree - Section 4.10 of the</p>

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			<p>normally be sought on any specific projects in that category. Such site-specific contributions should only be sought where this can be justified with reference to the underpinning evidence on infrastructure planning made publicly available at examination.'</p> <p>In the case of Highflyer Farm, North Ely – the implication is that the Comissioners will have to provide a wide range of S106 obligations plus pay CIL charges on top of that. This would not appear to pare back the approach to s106 which is what we understood the Government intended via CIL.</p> <p>In respect of Table 3.2 we do not understand (and have raised this issue previously) what is meant by 'Development specific economic initiatives on large strategic sites'. Clearly, if such matters (however so defined) are requested via s106 contributions then they will need to satisfy the statutory tests for such contributions.</p> <p>Table 3.2, in respect of education, appears to be inconsistent with section 4.5 which states that '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'.</p>	<p>SPD provides further information on economic initiatives which be sought via planning obligations.</p>

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			<p>Greater clarity is required here.</p> <p>We understand that, at present, only three items are on the Councils draft Regulation 123 list which seems surprising given the infrastructure planning evidence presented to the examination in 2012. We note that the CIL guidance also includes the following:</p> <p>86. Regulation 123 of the Community Infrastructure Levy Regulations provides for charging authorities to set out a list of those projects or types of infrastructure that it intends to fund through the levy. <u>This list should be based on the draft list that the charging authority prepared for the examination of their draft charging schedule.</u></p> <p>90. When charging authorities wish to revise their regulation 123 list, which sets out what they plan to spend levy receipts on, they should ensure that these changes are clearly explained and subject to appropriate local consultation. <u>Charging authorities should not remove an item from the regulation 123 list just so that they can fund this item through a new section 106 agreement.</u> Where a change to the regulation 123 list would have a significant impact on the viability evidence that supported examination of the charging schedule, this should only be made</p>	

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			as part of a review of the charging schedule.	
Smith Gore on behalf of Church Commissioners	11		<p>We note the comments concerning viability in section 3.4. we believe it is overly restrictive to limit viability assessments to the HCA Development Appraisal Tool. There are other models available and some which are more suited to a landowner scheme rather than a developer.</p> <p>Para 3.4.4 – if an applicant agrees to fund the Council’s own independent financial appraisal, then an applicant will need to be satisfied that: the party undertaking the appraisal is suitable for the job, that best value is being obtained, and that the process is timely, open and transparent.</p> <p>Table 3.2 indicates that strategic green infrastrucutre will be CIL funded while provision of on-site or site-related informal open space, land, play facilities and recreational equipment, will be S106 funded. From the descriptions</p>	<p>Agree (in part) – it is accepted that there are other potential financial viability which could be used to determine the financial viability of individual developments. However the HCA's Tool is the District Council's preferred tool to consider the financial viability of schemes which include affordable housing, It is therefore proposed to include the following amended wording in section 3.4 as follows (text underlined):</p> <p>'This should utilise the Homes and Communities Agency’s Development Appraisal Tool² <u>or another suitable model as agreed with the District Council</u>, and should include'</p> <p>Agree - there is a need for greater clarity about the distinction between the definitions of open space and green infrastructure as currently set out</p>

² <http://www.homesandcommunities.co.uk/ourwork/development-appraisal-tool>.

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			<p>provided it is extremely difficult to differentiate between the two and far greater clarity on the definition of 'strategic green infrastructure' is required.</p>	<p>in the Draft SPD. It is therefore proposed to amend table 3.2 as follows (text underlined): <u>Development of district wide strategic green infrastructure network (where off site and unrelated to specific developments)</u></p> <p>It is also proposed to include additional wording in Section 4.10 of the SPD as follows:</p> <p><u>'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.'</u></p>
Cambridgeshire County Council	13	Agree	<p>The information and advice is well structured and clear. The guidance makes clear that applicants should seek advice relating to specific proposals and that examples given are</p>	Support noted.

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			<p>illustrative only.</p> <p>It follows on very well from the previous chapter outlining the prevailing legalisation, regulations, policy and processes which led to the adoption of the CIL Charging Schedule issued in December 2012 following the examination by the Planning Inspectorate.</p> <p>Table 3.2 is helpful in referring to the possible infrastructure types which could be delivered through CIL and S106. It would be useful to have a short footnote to define thresholds for “large” “large strategic” and “local” how these relate to “other” projects and development.</p> <p>It is noted that the list is not exhaustive.</p> <p>It would also be helpful to have the relationship to the typology in table 3.1 explained, for example, would 20 – 100 dwellings be classed as ‘large’ 100+ “large strategic?”</p> <p>Para 3.3.2 could refer to the range of other stakeholders and providers who may provide advice</p> <p>Fig 3.1 does have a box referring to other consultation with stakeholders at a specific point in time. The text in para 3.3.2 could be</p>	<p>Disagree – it is not considered necessary to include this level of detail in Table 3.2 as further guidance is provided elsewhere in the SPD.</p> <p>Agree – this is a sensible suggestion. It is therefore proposed to amend para 3.3.2 as follows (text underlined): ‘Developers are advised to enter into discussions with the local planning authority <u>(and other</u></p>

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			<p>amplified slightly to reflect this flow diagram.</p> <p>In 3.3.6 it would be good to see sports and arts facilities included in this section as it is not just play areas that are required for early residents.</p> <p>In table 3.2.3 there is no mention of HWRCs provision.</p>	<p><u>infrastructure providers including the County Council</u> as early as possible in the process.</p> <p>Disagree – it is not considered necessary to amend para 3.3.6 as this gives examples of problems which have been experienced.</p> <p>Please see response to question 13.</p>
Cambridgeshire Primary Care Trust	14		<p>Section 3.2.3 The support the inclusion of Health Infrastructure in the list of types of infrastructure potentially requiring contributions.</p> <p>Table 3.2 Health – The wording under S106 infrastructure/mitigation needs amending to recognise that new infrastructure to mitigate the specific development may not necessarily be on site. The proposed development of new Health facility on the Princess of Wales site is a good example it has already been agree that this facility will provide Health services for the new North Ely development but we will need S106 contributions to reflect the mitigation of specific sites.</p>	<p>Support noted.</p> <p>Agree - it is acknowledged that there may be circumstances where health facilities are provided off-site as is the case at North Ely.</p> <p>It is therefore proposed to amend section 4.8 as follows (text underlined):</p> <p>‘In certain situations, planning obligations may also be used to deliver a new healthcare facility</p>

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				<p>where required by a small number of medium/small scale developments – with the facility provided on site. <u>This can include situations where a site for healthcare facilities has been identified by the Cambridgeshire PCT (or successor bodies) for this purpose.</u></p>
<p>Savills on behalf of Healy Investment Ltd</p>	<p>16</p>		<p>As mentioned above, Savills appeared at the East Cambridgeshire CIL EiP on behalf of our client. Both within our previous representations to the CIL charge setting process and during our appearance at the CIL EiP, we made clear our concerns that the testing of the viability of retail development when subject to CIL was undertaken on the assumption that zero s.106 contributions would be sought. This was not our understanding from previous discussions with the Council. When the Examiner queried the Council’s assumption, the representatives of the Council responded by stating that very limited or no s.106 contributions have been sought from retail developments historically, albeit no evidence was provided to support this assertion. This response was recorded and recognised by the Examiner (Robert Yuill) within his</p>	<p>Disagree - the intention is that section 106 contributions for retail developments will be determined on a case by case basis. This will include consideration of financial viability. Contributions are likely to be only to be required on large scale retail schemes which generate adverse impacts requiring mitigation.</p>

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			<p>Examination Report:</p> <p>“As to the zero amount [of s.106 contributions] assumed for retail schemes, the evidence is that in the past s.106 contributions associated with such schemes have mainly dealt with off site and strategic highway matters and CIL is largely intended to replace such contributions.”</p> <p>Further, the report goes on to say: “Additional s.106 contributions would, it is anticipated, only be sought in the minority of cases. The assumptions about the costs of s.106 contributions made in the Viability Assessment are, therefore, reasonable.”</p> <p>Given this assumption was made when setting the CIL charge and the level of CIL for retail development reflects the assumption that no s.106 obligations will be required by retail development, we would request that the Council make it clear within the Draft SPD that no planning obligations will be requested of retail development except for a very small minority of cases. We consider it is essential that criteria for such cases is set within the SPD. Given this statement by the Examiner, and presumably the Council’s</p>	

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			<p>agreement with it in light of the adoption of the CIL Charging Schedule, we would expect to see 'off site and strategic highway matters' featuring on the Council's CIL Regulation 123 List of infrastructure. This is currently not the case.</p> <p>In general, we welcome the Council's acknowledgement that 'double-counting' is forbidden by the CIL Regulations¹³. Whilst this representation is focussed on the impacts of the Draft SPD upon retail development, we also draw attention to a principle that arises within the Draft SPD in respect of 'doublecounting' in relation to residential infrastructure. The requirement to avoid 'double-counting' has been referenced several times within the Draft SPD. However, we find that this is undermined by parts of the SPD which explicitly refer to types of infrastructure being covered both by CIL and S.106 contributions.</p> <p>Whilst the East Cambridgeshire CIL Charging Schedule was examined prior to the publication of the revised CIL Guidance and therefore was not subject to it at the point of Examination, it should be noted that the CIL Guidance provides useful interpretation of the CIL Regulations, specifically in respect of the issue of 'doublecounting' (also referred to as</p>	<p>Disagree - the SPD is intended to provide guidance and sets out a clear split between infrastructure sought via S106 and CIL. The Council is aware of and understands the CIL Regulations (regulations 122 and 123) and has no desire to attempt to act illegally or improperly. Under the new regulations and legislation, it will not be possible for a Council to double charge for infrastructure requirements. It would soon be questioned by developers, and challenged. In summary, we have no desire to attempt it and it would not be possible anyway.</p>

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			<p>'double-dipping'). The CIL Guidance states:</p> <p>“Where the regulation 123 list includes a generic item (such as education or transport), section 106 contributions should not normally be sought on any specific projects in that category.”</p> <p>By way of an example to demonstrate our concerns around this point, the SPD refers to planning obligations under s.106 for the provision of “development specific community meeting space(s) and library/lifelong provision on large housing sites”(emphasis added).</p> <p>The Draft SPD then goes on to say that CIL would be used to pay for “improvement of existing library services and community buildings not on strategic housing sites”¹⁷ (emphasis added). The CIL Regulations make no distinction as to the geographical location of infrastructure being a method by which to distinguish one project or type of infrastructure from another. The CIL Regulations make clear, and it is also openly referred to within the Draft SPD, that s.106 planning obligations and CIL contributions cannot be used to pay for the</p>	

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			<p>same project or infrastructure type. As an example, it is considered that 'library/lifelong provision' is the same infrastructure type as 'existing library services' and therefore we do not believe this to be in conformance with the Regulations.</p> <p>We note that the Draft SPD refers to the holding of s.106 contributions, possibly for an extended period of time, to allow for longer term growth covered by the Core Strategy period to 2025. Given that the planning obligations must meet the three statutory tests set out in the National Planning Policy Framework (March 2012) (as referenced within the Draft SPD), we do not see the delivery of such pieces of infrastructure funded with s.106 contributions as being delayed, given that they must be "necessary to make the proposed development acceptable in planning terms" as well as being "directly related to the proposed development". Both these criteria would surely require any infrastructure that is to be funded by s.106 contributions to be delivered promptly, therefore the long term holding of s.106 receipts should not be necessary. We would therefore ask that the Council provide greater clarity on the time limit for the holding of s.106 receipts and the mechanism for their return if</p>	<p>Agree - it is considered that para 3.3.13 should be amended to be consistent with the statutory tests outlined in the NPPF and to be consistent with the District Council's current procedures.</p> <p>It is therefore proposed to amend para 3.3.13 as follows (text underlined):</p> <p>If money has not been spent by the end of the relevant contribution period the council will make provision to refund it. It is unreasonable to hold money in perpetuity, but for some projects a longer time frame may be appropriate as the growth in the Core Strategy covers the period up to 2025. Where necessary the</p>

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			<p>unspent.</p> <p>Whilst we acknowledge that the Council need to cover the administrative cost of collecting S.106 receipts. It is proposed within the Draft SPD that up to 5% of s.106 receipts could be used for this purpose. It is also within the Council's ability to utilise up to 5% of CIL receipts to cover the administration of the Levy. We believe that this is doubling up on resources and we would expect the Council to use significantly less than this.</p>	<p><u>Council will refund monies where required to do so in accordance with a Section 106 agreement.</u></p> <p>Disagree – the District Council's costs associated with administering the collection of S.106 receipts are distinct from that associated with CIL charges. Also the amount of monies which will be sought by the District Council for this purpose will be significantly reduced as a result of the introduction of CIL charges.</p>
English Heritage	17		<p>It is useful to bring forward guidance on this topic to provide clarity on how the two areas of Community Infrastructure Levy and planning obligations will be operated within East Cambridgeshire. We note that heritage matters are identified within both categories in Table 3.2, depending on the nature of the proposals. We welcome this. It is, of course, difficult to provide absolute clarity on the division when site characteristics and development proposals will vary enormously.</p>	Support noted.

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
			<p>With regard to section 3.4 and development viability, the variety of issues raised by development proposals means that a degree of flexibility is often necessary. In terms of sites where heritage assets are at risk or under threat, we hope that this will be carefully weighed to ensure their protection and potential enhancement.</p>	
<p>Environment Agency</p>	<p>18</p>		<p>We support table 3.1 and its general format which is quite flexible to include a range of possible contributions towards, for example, meeting Water Framework Directive requirements for mitigation.</p> <p>In table 3.2, we believe that it is important to specifically include green infrastructure within the Environment row, as well as the open space row to reflect that GI is for environment gains as much as it is for people through open space. In 3.2, last row, we advise including drainage as well as flood defence infrastructure because both can be at the site and community level and will need maintaining in perpetuity.</p> <p>In Figure 3.1 we support the step of including other stakeholders in the pre-application process to ensure that all key issues are picked up at this crucial stage when land assembly and the main parameters are determined.</p> <p>3.4.2 – Development viability We think that the guideline contents of a</p>	<p>Support noted.</p> <p>Disagree – it is not considered to have more than one reference to green infrastructure in Table 3.2.</p> <p>Agree – this is a sensible suggestion. It is therefore proposed to amend Table 3.2 as follows (text underlined):</p> <p>Flood defence/<u>drainage</u></p> <p>Site related flood defence/<u>drainage</u></p> <p>Other flood defence/<u>drainage</u> <u>infrastructure</u></p>

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
			<p>financial viability assessment (point 2) may have unintentionally left out reference to the <i>risks</i> associated with not meeting policy requirements, so perhaps it should read: “ 2. A statement outlining the benefits and risks of not meeting policy...”</p> <p>This will ensure that the developer is helping to inform a full and balanced picture for the District Council to weigh up in its decisions as set out in 3.4.4 which again would benefit from including reference to risks as follows:</p> <p>“The Council will consider potential benefits and risks of a scheme by weighing these against the resulting harm...”.</p>	<p>Agree – this is a sensible suggestion. It is therefore proposed to amend para 3.4.2 (as follows):</p> <p>A statement outlining the benefits <u>and risks</u> of not meeting policy...”</p> <p>Support noted.</p> <p>Disagree – it is not considered necessary to amend the final sentence of para 3.4.4 following the change made to the earlier text.</p>
<p>Bidwells on behalf of Barratts Eastern Counties Ltd</p>	<p>20</p>	<p>Disagree</p>	<p>We are concerned that the future interaction between planning obligations and CIL remains unclear in a number of respects and that this could lead to the potential for 'double counting'. The Council's current Regulation 123 List provides a very limited number of strategic infrastructure projects on which CIL monies will be spent. In particular, there is currently no</p>	<p>Disagree –the SPD is intended to provide guidance and sets out a clear split between infrastructure sought via S106 and CIL. The Council is aware of and understands the CIL Regulations (regulations 122 and 123) and has no desire to attempt to act illegally or improperly.</p>

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
			<p>detail in relation to 'Major' and 'Minor' projects which would be eligible for receipt of CIL monies. At the same time, paragraph 3.2.2 of the Council's Draft Planning Obligations SPD suggests that planning obligations may be sought in relation to Infrastructure required as a result of specific developments or required to mitigate specific impacts. Whilst paragraph 3.2.3 suggests that the Council will ensure there is no 'double counting' the lack of clarity as to which 'Major' and 'Minor' infrastructure projects would be subject to CIL and the resultant implications for future Planning Obligations for individual sites is of particular concern and may discourage or delay development and investment in the District. Whilst the Council has acknowledged that further projects are likely to be added to the Regulation 123 List and has indicated that the list of projects are subject to further discussion with the County Council and others, we are concerned that there appears to be no certainty as to when these issues will be resolved and the Regulation 123 list comprehensively updated. We are particularly concerned that the SPD could be adopted without the Regulation 123</p>	<p>Under the new regulations and legislation, it will not be possible for a Council to get away with double charging. It would soon be questioned by developers, and challenged. In summary, we have no desire to attempt it and it would not be possible anyway.</p> <p>The intention is that the Regulation 123 list will be reviewed and updated later this year following discussions with Cambridgeshire County Council and other partner organisations.</p>

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
			<p>list being updated and that this will provide significant uncertainty for those seeking to bring forward developments on larger sites in the interim. We would therefore urge the Council to address this issue and ensure that further clarity is provided in relation to which infrastructure will be provided through CIL monies and which would be subject to Planning Obligations prior to adoption of the SPD.</p>	
<p>Rosemary Aitchson</p>	<p>21</p>		<p>I have read your draft and it all seems commonsense to me BUT in paras 3.3.6 to 3.3.8 I agree with all your provisions to get infrastructure completed as we all know there have been problems before. However, I cannot see anywhere where you have included a protection to ensure that if a developer goes bust there will be money set aside to complete his obligations. Surely you need to include some method of setting aside the necessary finance to ensure completion, so that in the event of bankruptcy, there will be a pot of money not dissipated to creditors which is available to complete the infrastructure on the development. This would then prevent a similar situation to those instances in Soham and Ely where the developer was unable to complete and there was no money set aside.</p>	<p>Agree (in part) – it is acknowledged in the SPD that there have been instances where residents have suffered as a result of infrastructure having not been provided by developers. The Council will ensure that infrastructure comes forward in a timely fashion through the adoption of masterplans and phasing for larger sites and the imposition of planning conditions and (enforcement action where necessary).</p>

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
			<p>This has caused a great deal of anguish to home owners on the developers and a lot of headaches to many others! Please can you assure me that this document will ensure that this <u>will not be allowed to happen again</u></p>	
<p>East Cambridgeshire District Council Legal Team</p>	<p>24</p>		<p>No legal will not be providing the template, please delete. S106 will now be quite area / application specific, with different terms and whilst we do have a lengthy precedent document we work from, that we would amend, if a developer wishes to draft their own s106 they can do/ there are model precedents available and we will review for legal fees, or alternatively they can instruct a solicitor to draft one, so please delete</p> <p>Page 7, figure 3.1 - last box: Planning officers will provide the heads of terms for the s106 to legal officers and they will determine the terms. Please amend, as it gives the impression that planning officers will be doing this.</p>	<p>Agree – This is a sensible suggestion as section 106 agreements are likely to be more site specific and less generic in future.</p> <p>It is therefore proposed to remove the final sentence of para 3.3.4 as follows:</p> <p>A template with model clauses will be provided in due course, in order to ensure that the process is straightforward and timely. order to ensure that this process is straightforward and timely.</p> <p>Agree – This is a sensible suggestion as it reflects the district council's current section 106 process.</p> <p>It is therefore proposed to amend</p>

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
			<p>Page 8, 3.3.11: Add 'and legal fees where appropriate to end of paragraph.</p> <p>3.3.14: Is there a legal basis for using 5% of s106 monies for administration? Or are you relying on this as a policy to authorise.</p> <p>3.4.9 Why are we reducing the developer contribution for travellers and travelling showpeople. We have had contributions on that last two that I am aware of.</p>	<p>3.1 so that it refers to the legal team finalising the Section 106 agreement in the final box as follows:</p> <p>The application and <u>heads of terms</u> of any S.106 will be determined by the Planning Officer and finalised by the <u>Legal Team</u> or Planning Committee</p> <p>Agree - This is a sensible suggestion as it reflects the district council's current section 106 process.</p> <p>It is therefore proposed to remove the final sentence of para 3.3.11 as follows: '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 <u>and legal fees.</u>'</p> <p>Disagree - This SPD will used as justification for seeking 5% contributions towards the administration of planning obligations by the District</p>

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
				<p>Council.</p> <p>Agree - it is accepted that site specific planning obligations for gypsy, traveller and travelling showpeople sites would be appropriate.</p> <p>It is therefore proposed to amend para 3.4.9 as follows (text underlined):</p> <p>'In the case of applications for 100% affordable housing (for example, on rural exception sites, and gypsy and traveller and travelling showpeople caravan schemes), the Council will consider reducing the developer contributions (which will be sought through Section 106 agreements) as part of the planning application process.'</p>

Q4. Do you agree or disagree with the Council's key assumptions or housing size mix, tenure mix and occupancy rates, as set out in Section 4.2?

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
Stetchworth Parish Council	3		I cannot agree or disagree with this and assume that the council has done its research in order to make informed assumptions	Comments noted.
Unex Group Holdings Ltd	5		No comments	
Cheffins	10	Agree		Support noted.
Smith Gore on behalf of Church Commissioners	11	Disagree	We have concerns over the expressed housing size mix in Table 4.1. Firstly, the data on which it is based appears to be from 2009 and may well not be relevant today. Secondly, the objective of securing 47% 4 bed dwellings for the private market element is at odds with our understanding of current market conditions whereby it is the 2-3 bed dwellings which are most in demand. If 47% of the private market dwellings are 4 bed then this would not produce the 'balanced' neighbourhood as suggested in our view.	Agree (in part) – it is acknowledged that the Housing Size Guide was published in 2009 and this document will be reviewed as part of the preparation of the Cambridge Housing Sub Region SHMA which is reviewed on annual basis. It is therefore proposed to include further wording in Section 4.1 relating to any successor document and other relevant information as follows (text underlined). 'The preferred private housing size mix was produced by the Research Group (Cambridgeshire County Council) taking into account census data and market

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
				behaviour. <u>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.</u>
Cambridgeshire County Council	13	Agree	The approach advocated is dependent upon the refinement of data supplied by third parties. The table was assembled by the County Council in 2009. It would be expected that the source should be fully attributed in so far as there may be queries as to the base date. The 2011 Census data will be disaggregated gradually this year; the data in Table 4.3 will be reissued in late Autumn 2013 by the Research Group. For the time being, this is regarded as the best practicable means,	<p>Agree (in part) – it is acknowledged that the Housing Size Guide was published in 2009 and this document will be reviewed as part of the preparation of the Cambridge Housing Sub Region SHMA which is reviewed on annual basis. It is therefore proposed to include further wording in Section 4.1 relating to any successor document and other relevant information as follows (text underlined).</p> <p>‘The preferred private housing size mix was produced by the Research Group (Cambridgeshire County Council) taking into account census data and market behaviour.<u>The Size Guide (and any successor document) along</u></p>

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
				<u>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.</u>
Rapleys on behalf of Associated Foods Ltd	15	Disagree	<p>The housing mix contained in table 4.1 is said to be based on a preferred private housing size mix as produced by Cambridgeshire County Council Research Group (Cambridgeshire Sub Region Property Size Guide 2009) taking into account census data and market behaviour. We consider that almost 4 years has passed since this was established, that an update should be provided before applying the housing supply mix requirements. The need for revision and to address any future update should be noted in the SPD.</p> <p>The affordable housing requirement is stated to be determined by East Cambridgeshire District Housing Team based on information on the needs of applicants, lettings data on the availability of homes of various sizes and the Council's vision to create sustainable balanced neighbourhoods. There is no indication whether this is based on up-to-date</p>	<p>Agree (in part) – it is acknowledged that the Housing Size Guide was published in 2009 and this document will be reviewed as part of the preparation of the Cambridge Housing Sub Region SHMA which is reviewed on annual basis. It is therefore proposed to include further wording in Section 4.1 relating to any successor document and other relevant information as follows (text underlined).</p> <p>'The preferred private housing size mix was produced by the Research Group (Cambridgeshire County Council) taking into account census data and market behaviour.<u>The Size Guide (and any successor document) along with any additional information relating to the housing mix and</u></p>

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
			<p>research, but it is noted that it has not changed since the previous SPD was produced in 2011. The SPD states that development of up to 4-5 bedroom private homes are unlikely to be supported where only 1-2 bedroom affordable homes are provided. In the current economic climate, when it is difficult to secure the viability of developments, the Council must ensure that each proposal is considered on its merits so that obligations do not prevent development coming forward.</p> <p>The tenure mix is as per the previous document however, this document should recognise the difficulties faced by residential housing developers in terms of viability and should afford a level of flexibility within the SPD.</p>	<p><u>type in the locality will be used to inform negotiations between applicants to determine the appropriate mix of housing.</u></p> <p>Agree (in part) – it is acknowledged that the District Council’s preferred affordable housing size mix set out in Section 4.3 is the same as that set out in the previous version of the SPD.</p> <p>Disagree – the District Councils' preferred tenure mix for affordable housing is intended to be starting point for negotiations with developers in relation to the appropriate types of affordable housing which will be provided as part of individual developments.</p>

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
<p>Bidwells on behalf of Barratts Eastern Counties Ltd</p>	<p>20</p>	<p>Disagree</p>	<p>We note that the assumptions in relation to housing size, mix and tenure have regard to information provided by the County Council Research Group in 2009. We would stress that this is based on data from the 2001 Census.</p> <p>This is out of date and assumptions need to have regard to the latest information provided by the 2011 Census as well as the District Council's Housing Team.</p>	<p>Agree (in part) – it is acknowledged that the Housing Size Guide was published in 2009 and this document will be reviewed as part of the preparation of the Cambridge Housing Sub Region SHMA which is reviewed on annual basis. It is therefore proposed to include further wording in Section 4.1 relating to any successor document and other relevant information as follows (text underlined).</p> <p>The preferred private housing size mix was produced by the Research Group (Cambridgeshire County Council) taking into account census data and market behaviour.<u>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.</u></p> <p>It is also acknowledged that the District Council's preferred</p>

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
				<p>affordable housing size mix set out in Section 4.3 is the same as that set out in the previous version of the SPD.</p> <p>However the District Councils' preferred tenure mix for affordable housing is intended to be starting point for negotiations with developers in relation to the appropriate types of affordable housing which will be provided as part of individual developments</p>

Q5. Do you agree or disagree with the Council's proposed approach for seeking planning obligations for affordable housing as set out in Section 4.3?

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
Stetchworth Parish Council	3	Agree	Younger people are finding it difficult to buy their own homes and more affordable homes are always needed. A mix of private and affordable houses is preferable to large estates of affordable and/or social housing	Support noted.
Unex Group Holdings Ltd	5	Disagree	The figure of 40% for affordable housing in the South of the District is too high and is unviable. This will prevent development from coming forward and will frustrate the Government's desire to see the development sector providing a kick-start to the economy.	<p>Disagree - The affordable housing target of 40% affordable housing for the south of the district was tested by independent examination as part of the preparation of the Core Strategy which was subsequently adopted by the Council in October 2009.</p> <p>The financial viability of individual developments will be considered at the time of the planning application.</p> <p>The Draft SPD is intended to supplement the policies of the adopted development plan (in this case policy H3 – Affordable Housing).</p>
Cheffins	10	Disagree	The threshold for affordable housing provision on residential developments of 3	Agree (in part) – The threshold for affordable housing is

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
			<p>or more dwellings is set too low, and has resulted in many smaller sites (3 - c.6 dwellings) being made uneconomic to develop. While it is recognised that this threshold is set by Policy H3 of the adopted Core Strategy DPD, the Council's draft Local Plan proposes to raise this threshold to 5 or more dwellings. The draft SPD on Developer Contributions should reflect this proposed change in policy. On a separate issue, the Council's draft SPD on Developer Contributions should recognise that with the very high levels of developer contributions envisaged, and residential CIL payments, the level of affordable housing provision should be open to discussion and negotiation, recognising that a lower level of affordable housing provision is likely to be the result, for reasons of economic viability.</p>	<p>consistent with policy H3 of the Core Strategy.</p> <p>The Draft SPD is intended to supplement the policies of the adopted development plan (in this case policy H3 – Affordable Housing).</p> <p>However the District Council's approach for calculating affordable housing contributions is expected to change as a result of the Local Plan which is currently subject to public consultation.</p>
Cambridgeshire County Council	13		<p>The SHMA is being redrafted and will be submitted to the Cambridge Sub Regional Housing Board in March 2013.</p> <p>The spatial split between the south and north of the District is predicated on Core Strategy Policy H3.</p> <p>It would be expected that the area around Ely in the north would be able to support a larger percentage of affordable housing.</p>	<p>Disagree – The affordable housing target of 30% affordable housing for the north of the district including Ely was tested by independent examination as part of the preparation of the Core Strategy which was subsequently adopted by the Council in October 2009.</p> <p>The Submission Draft Local Plan</p>

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
			When this SPD is reviewed following the adoption of the Local Plan it will be informed by further evidence relating to viability.	retains the existing affordable housing split between the north and south of the district and is currently subject to public consultation.
Cambridgeshire Primary Care Trust	14		I have had a look at this from a Public Health perspective and note that for affordable housing in residential developments (4.3) there are different requirements for minimum percentage allocations – 40% in the south and 30% in the north of the district. Is there a rationale for these differences? On the basis of deprivation indices, one would expect the north of the District (including Littleport and Soham) to have at least an equal, if not greater need for affordable/social housing as the south.	<p>Disagree – The affordable housing target of 30% affordable housing for the north of the district including Ely was tested by independent examination as part of the preparation of the Core Strategy which was subsequently adopted by the Council in October 2009.</p> <p>The Submission Draft Local Plan retains the existing affordable housing split between the north and south of the district and is currently subject to public consultation.</p>
Rapleys on behalf of Associated British foods	15		We object to the method of calculation for the affordable housing requirement. The SPD states that where the requirement for affordable housing is a fraction, this will be rounded up to the nearest round number. This would be completely inappropriate where, for example a requirement of 4.1 houses was rounded up to 5 houses. The requirement should be rounded up to the nearest number, a contribution	<p>Agree (in part) – the method for calculating affordable housing contributions is consistent with the wording of the adopted Core Strategy .</p> <p>However the District Council’s approach for calculating affordable housing contributions is expected to change as a result</p>

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
			<p>consumerate with the fraction should be made or a developer should arrange to combine fractions and provide on a separate development.</p> <p>The section on financial contributions requires that the contribution that ‘would be equivalent in value to the contribution that would have been provided by on site provision’. This fails to understand that in some instances, particularly due to financial viability or onerous requirements on a specific site, that it is not financially viable to provide affordable housing on that site, but that the same number could be provided by at another, suitable site as agreed by the Council. The requirement for off-site provision should be calculated on how much it would cost the Council/RSL to deliver the required numbers of housing. There would be greater recognition of the importance of viability on a site-specific basis and thereby a less rigid policy-based approach, in line with Government guidance.</p> <p>The requirement to pay a commuted sum prior to the occupation of the first dwelling is onerous as there is nothing in the SPD which states that other developers providing on-site provision must provide</p>	<p>of the Local Plan which is currently subject to public consultation.</p> <p>Agree – it is acknowledged that financial viability is relevant to the provision of affordable housing (on and off-site). It is therefore proposed that the wording of Section 4.3 is amended as follows:</p> <p>‘If the Council agrees to provision of affordable housing off-site as an alternative to delivery within the application site, the amount of affordable housing will be 30%/40% (as appropriate) of the total number of dwellings delivered on both sites. <u>However applicants will not be required to provide more affordable housing than would have been financially viable on the principal application site</u>’</p>

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
			<p>affordable housing before the occupation of the first dwelling. This should not be a requirement of the SPD, but rather subject to negotiation and agreement in the heads of terms. This is again overly rigid and could jeopardise otherwise deliverable schemes.</p> <p>The SPD states that the money from commuted sums will be used to increase or improve affordable housing or to support its housing function such as prevent homelessness. The SPD should provide clearer explanation of the process for ensuring that received contributions will be dedicated for the intended purpose.</p>	<p>Disagree– the use of commuted sum for the provision of affordable housing or supporting the District Council’s housing function would be need to be agreed with the applicant as part of the Section 106 agreement.</p>
<p>Environment Agency</p>	<p>18</p>		<p>Design considerations, page 13: A point of information – The occupants of affordable housing are generally least equipped to deal with and recover from flooding, therefore please consider whether this paragraph could be strengthened by including reference to resilience.</p>	<p>Comments noted.</p>
<p>Bidwells on behalf of Barratt Eastern Counties Ltd</p>	<p>20</p>	<p>Disagree</p>	<p>We disagree that the amount of affordable housing required should be rounded up to the nearest whole number. This is unreasonable. For instance, it would be</p>	<p>Agree (in part) – the method for calculating affordable housing contributions is consistent with the wording of the adopted Core</p>

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
			<p>unreasonable for a scheme which resulted in a requirement for 10.01 affordable units to be required to provide 11 affordable units. The requirement should be rounded up or down to the nearest whole number to ensure a fair and proportionate approach in line with the Council's policies.</p>	<p>Strategy.</p> <p>However the District Council's approach for calculating affordable housing contributions is expected to change as a result of the Local Plan which is currently subject to public consultation.</p>

Q6. Do you agree or disagree with the Council's proposed approach to seeking planning obligations for open space as set out in Section 4.4?

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
Stetchworth Parish Council	3	Agree	It is very important to leave some open space for the enjoyment of all. If open spaces/areas/green corridors are provided in new build estates, those areas should be maintained and not sold off in strips to neighbouring properties as has sometimes happened in the past	Support noted.
Unex Group Holdings Ltd	5	Disagree	As noted above on large sites this appears to involve double counting with the CIL charge. Maintenance costs should not be payable to the Council until any open space which is to be transferred to the Council is actually transferred. Councils usually require developers to have maintained the open space themselves until the issue of making good defects certificates at the end of a stipulated maintenance period. It is therefore unreasonable to require these monies at an earlier date as suggested by paragraph 3.3.8. If the developer is providing on-site open space and play areas etc why does paragraph 3.3.7 require the payment of "financial contributions to provide this infrastructure"? The lump sum maintenance cost for play areas surely	Agree –there is a need to clarify that financial contributions for public open space will only be sought where an on-site contribution has been made by the applicant as outlined in section 4.4. It is therefore proposed to amend para 3.3.7 as follows (text underlined): The payment of financial contributions to provide this infrastructure will require a clear link between conditions on the planning permission and S.106 agreement. <u>Maintenance contributions will be sought whether open space is provided on site or off site.</u>

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
			cannot be the same whether the play area is for toddlers or for youth play?	
Natural England	7		<p>When considering open space contributions from developers, we would like to refer you to the multiple benefits of incorporating more natural greenspaces as part of the “informal open space” provision. Natural greenspaces are important to our quality of life, providing a wide range of benefits for people and the environment. Evidence shows that access to natural greenspaces for fresh air, exercise and quiet contemplation has benefits for both physical and mental health. Research provides good evidence of reductions in levels of heart disease, obesity and depression where people live close to greenspaces.</p> <p>In addition to their potential ecological value, greenspaces also help us adapt to changes in climate through their role in reducing the risk of flooding and by cooling the local environment. Where trees are present they also act as filters for air pollution.</p> <p>Natural England believes that everyone should have access to good quality natural greenspace near to where they live and have produced Nature Nearby”</p>	Disagree – it is not considered necessary to refer to the health and well being benefits of open space contributions are referred to in the text of Section 4.4 (context).

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
			<p>Accessible Natural Greenspace Guidance” to help people make this a reality.</p> <p>The guidance is aimed at decision makers, planners and managers of green space. It describes the amount, quality and level of visitor services that we believe everyone is entitled to. ANGSt recommends that everyone, wherever they live, should have accessible natural greenspace:</p> <p>of at least 2 hectares in size, no more than 300 metres (5 minutes walk) from home;</p> <p>at least one accessible 20 hectare site within two kilometre of home;</p> <p>one accessible 100 hectare site within five kilometres of home; and</p>	
<p>Indigo Planning on behalf of Sainsbury’s Supermarkets Ltd</p>	<p>9</p>		<p>Section 4.4 of the draft SPD states that all new development places pressure on informal open space and play infrastructure. Planning obligations will be used to secure provision of new open space and play facilities or upgrading and extending existing provision. These statements should be amended as certain forms of development will not place pressure on open space such as supermarkets and, as such, should be</p>	<p>Agree – it is not intended that retail developments will be required to make financial contributions towards the provision of open space.</p> <p>Amend wording of section 4.4 as follows (text underlined):</p> <p>‘What is required’</p>

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
			exempt from having to make a contribution to open space.	<p>'All new <u>housing</u> development.....strategic open space'.</p> <p>Amend Table 3.1 as follows: Development-specific infrastructure (could include open space, transport infrastructure or other aspects</p>
Cheffins	10		It is still not clear how the Council will ensure that 'double counting' will not take place, and that developers will not be charged twice for the same infrastructure. Table 3.2 provides little clarity on the split between infrastructure that will be delivered through CIL, and infrastructure that will delivered through section 106. How will the Council decide what is "development specific" infrastructure, and what is "other" infrastructure in respect of open space provision?	Disagree –the SPD is intended to provide guidance and sets out a clear split between infrastructure sought via S106 and CIL. The Council is aware of and understands the CIL Regulations (regulations 122 and 123) and has no desire to attempt to act illegally or improperly. Under the new regulations and legislation, it will not be possible for a Council to get away with double charging. It would soon be questioned by developers, and challenged. In summary, we have no desire to attempt it and it would not be possible anyway.
Smiths Gore on behalf of Church	11		Table 3.2 indicates that strategic green infrastrucutre will be CIL funded while provision of on-site or site-related informal	Agree - there is a need for greater clarity about the distinction between the definitions

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
Commissioners			open space, land, play facilities and recreational equipment, will be S106 funded. From the descriptions provided it is extremely difficult to differentiate between the two and far greater clarity on the definition of 'strategic green infrastructure' is required.	of open space and green infrastructure as currently set out in the Draft SPD. It is therefore proposed to amend table 3.2 as follows (text underlined): <u>District wide strategic green infrastructure network (where off site and unrelated to specific developments)</u>
Cambridgeshire County Council	13	Agree	The overall approach is supported. The date is derived from studies published in 2005. The evidence base for the Local Plan will be refreshed in due course.	Support noted.
Savills on behalf of Healy Investment Ltd	16		The Draft SPD refers to all new development placing pressure on informal open space and play infrastructure ⁹ . However, the text within the same section refers repeatedly to developments of new dwellings. It is stated in the Draft SPD that on site provision of new informal open space and play areas would be required to “serve the needs of the new community and create an attractive living environment” . We cannot see how this is applicable to retail developments. The calculation of open space is also	Agree – it is not intended that retail developments will be required to make financial contributions towards the provision of open space. Amend wording of section 4.4 as follows (text underlined): ‘What is required’ ‘All new <u>housing</u> development.....strategic open space’.

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
			<p>based upon dwelling occupancy levels, which are not applicable to retail development. We would therefore request greater clarity about whether retail developments would give rise to a need for open space, either off site or on site, and if so, how this would be calculated.</p> <p>The Draft SPD states that CIL will be used to fund the majority of strategic green infrastructure improvements¹¹. The CIL Regulation 123 List of infrastructure published by the Council does not identify any open space projects. It therefore is not clear how such open space infrastructure is going to be provided.</p> <p>We would suggest that the Council could ensure that statements made within the Draft SPD about the use of CIL monies accord with the projects or types of infrastructure identified within the Council's CIL Regulation 123 List that the Council has published. We would remind the Council that by placing a type of infrastructure, such as open space (strategic or otherwise) on the Regulation 123 List, the same type of infrastructure cannot be paid for with s.106 contributions.</p>	<p>Amend Table 3.1 as follows: Development-specific infrastructure (could include open space, transport infrastructure or other aspects</p>

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
			<p>This is expanded upon further below, under the heading 'doublecounting'.</p> <p>Within paragraph 4.4 of the Draft SPD, reference is also made to financial contributions in lieu of on site open space provision, 'where a site is too small for meaningful provision'. It should be noted that this would be considered as the pooling of planning obligations under the CIL Regulations and would be limited to no more than five obligations.</p>	
Bidwells on behalf of Barratts Eastern Counties Ltd	20	Agree		Support noted.

Q7. Do you agree or disagree with the Council's proposed approach for seeking planning obligations for education, as set out in Section 4.5?

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
Stetchworth Parish Council	3		see my answer to question 3	
Unex Group Holdings Ltd	5	Disagree	As noted above, on large sites this appears to involve double counting with CIL payments.	Disagree –the SPD is intended to provide guidance and sets out a clear split between infrastructure sought via S106 and CIL. The Council is aware of and understands the CIL Regulations (regulations 122 and 123) and has no desire to attempt to act illegally or improperly. Under the new regulations and legislation, it will not be possible for a Council to get away with double charging. It would soon be questioned by developers, and challenged. In summary, we have no desire to attempt it and it would not be possible anyway.
Cheffins	10	Disagree	It is still not clear how the Council will ensure that ‘double counting’ will not take place, and that developers will not be charged twice for the same infrastructure. Table 3.2 provides little clarity on	Disagree –the SPD is intended to provide guidance and sets out a clear split between infrastructure sought via S106 and CIL. The Council is aware of and understands the CIL Regulations

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
			<p>the split between infrastructure that will be delivered through CIL, and infrastructure that will be delivered through section 106. How will the Council decide what is “development specific” infrastructure, and what is “other” infrastructure in respect of educational facilities? The Regulation 123 list for CIL has not identified any projects that fall within the ‘major’ (between £100k and £4m) or ‘minor’ (under £100k) categories, and at this stage the Council states that it will only use CIL receipts for three ‘strategic’ (i.e. over £4m) infrastructure projects – a secondary school at Littleport; Ely Leisure Centre; and a new railway station at Soham. Potentially therefore, there is clearly a risk that section 106 contributions for educational facilities on North Ely and CIL payments could both be used for the new secondary school, making the developer pay twice for the same infrastructure. It is still not at all clear how such a situation could</p>	<p>(regulations 122 and 123) and has no desire to attempt to act illegally or improperly. Under the new regulations and legislation, it will not be possible for a Council to get away with double charging. It would soon be questioned by developers, and challenged. In summary, we have no desire to attempt it and it would not be possible anyway.</p> <p>The intention is that the Regulation 123 list will be reviewed and updated later this year following discussions with Cambridgeshire County Council and other partner organisations.</p>

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
			be seen to be avoided.	
Smith Gore on behalf of Church Commissioners	11		<p>Section 4.5 makes it clear that applicants will be required to make contributions towards the cost of constructing and fitting out facilities. Two comments arise:</p> <ul style="list-style-type: none"> • There is no indication of how a <i>contribution</i> will be determined or assessed. A <i>contribution</i> is not 100% of the actual costs; and • The table quotes £7.3M as the expected cost of building a 2FE primary school but no information is given on costs of fit out facilities even though applicants are expected to make a contribution towards this. 	<p>Agree (in part) - this is a sensible suggestion as further clarification would be helpful in relation to this issue. It is therefore proposed to include further text to clarify how planning obligations for education provision will be determined by the District Council in section 4.5 as follows:</p> <p>' Contributions will be sought towards the cost of constructing and fitting out facilities, in addition to land provision. <u>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).</u>'</p>
Cambridgeshire County Council	13	Agree	Please refer to Q3 regarding further work to be done by the County Council's Research Group relating to the disaggregation of 2011 Census data to inform education service planning.	Please see response to County Council's response to Question 3.
Rapleys on behalf of	15		For education, community meeting facilities, healthcare and	Disagree - the SPD is intended to provide further guidance on

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
<p>Associated British foods</p>			<p>sport facilities – the use of planning obligations should not occur unless it is clear that there is no overlap with CIL contributions, specifically regarding Ely secondary and the provision of a new leisure centre in Ely. Moreover, this SPD should state that any update to the Regulation 123 List will be reflected in S106 requirements. The suggestion that several developments (a maximum of 5 housing schemes) may need to collectively secure provision is not adequately clarified. The SPD must explain which schemes this will apply to in terms of scale or numbers of houses and this should be incorporated into policy in the forthcoming Local Plan. Local plan allocations should state where there is likely to be a planning obligation and what the requirement relates to.</p> <p>Whilst much of the text reflects that of the previous SPD, it states that new development will be required to contribute to the provision of early years, primary</p>	<p>this issue and sets out a clear split between infrastructure sought via S106 and CIL. The Council is aware of and understands the CIL Regulations (regulations 122 and 123) and has no desire to attempt to act illegally or improperly. Under the new regulations and legislation, it will not be possible for a Council to get away with double charging. It would soon be questioned by developers, and challenged. In summary, we have no desire to attempt it and it would not be possible anyway.</p> <p>Agree – planning obligations will only be sought where there is insufficient existing capacity at existing educational facilities within the locality. It is therefore proposed to include the following wording in section 4.7 (text underlined):</p> <p><u>'New residential development will be required to contribute to the provision of early years, primary and secondary school places unless there would be sufficient</u></p>

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
			<p>and secondary school places. This should state that additional planning obligations will only be required where there is no existing capacity and the specific requirement relates directly to that generate by the development.</p>	<p><u>existing capacity in available educational infrastructure within the locality to cater for needs arising from the new development.</u></p>
<p>Bidwells on behalf of Barratt Eastern Counties Ltd</p>	<p>20</p>	<p>Disagree</p>	<p>Section 4.5 of the Draft SPD suggests that 'in certain circumstances' planning obligations may be used to deliver new education facilities required by a small number or large / medium size developments. We are concerned that there is a lack of clarity and certainty as to what these circumstances might be. Baring in mind our concerns in relation to the lack of detail within the current Regulation 123 list, it is clear that further consideration of the relationship between CIL and Planning Obligations is required and that further clarity needs to be provided before the SPD is adopted. Otherwise, there is a risk of double counting occuring and/or development and investment being delayed until</p>	<p>Disagree - the SPD is intended to provide further guidance on this issue and sets out a clear split between infrastructure sought via S106 and CIL. The Council is aware of and understands the CIL Regulations (regulations 122 and 123) and has no desire to attempt to act illegally or improperly. Under the new regulations and legislation, it will not be possible for a Council to get away with double charging. It would soon be questioned by developers, and challenged. In summary, we have no desire to attempt it and it would not be possible anyway.</p>

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cams Officer comments
			such matters are more clearly resolved.	

Q8. Do you agree or disagree with the Council's proposed approach to seeking planning obligations for community meeting facilities as set out in Section 4.6?

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
Stetchworth Parish Council	3	Agree	I agree that community facilities should be considered but these should always be discussed with the local parish or town council first as the councils will probably have a better overview of what is required in that town or village	Support noted.
Unex Group Holdings Ltd	5	Disagree	As noted above, on large sites this appears to involve double counting with CIL payments.	Disagree - the SPD is intended to provide further guidance on this issue and sets out a clear split between infrastructure sought via S106 and CIL. The Council is aware of and understands the CIL Regulations (regulations 122 and 123) and has no desire to attempt to act illegally or improperly. Under the new regulations and legislation, it will not be possible for a Council to get away with double charging. It would soon be questioned by developers, and challenged. In summary, we have no desire to attempt it and it would not be possible anyway.
Smith Gore on	11	Disagree	The points made are noted but no	Agree – the potential for co-

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
behalf of Church Commissioners			recognition is given to possible dual use of such facilities e.g. by locating such facilities within primary schools. Such dual use is desirable from both broad planning and economic points of view.	location of community meeting facilities will be supported by the District Council where there are clear community and operational benefits for those organisations occupying the building. It is therefore proposed to amend section 4.10 as follows: The co-location of new community facilities <u>will be supported by the District Council, where there is operational and there are community benefits.</u>
Cambridgeshire County Council	13	Disagree	Co-location of community facilities should be given more positive affirmation given the economies of scale and better utilisation of land which would be envisaged.	Agree – the potential for co-location of community meeting facilities will be supported by the District Council where there are clear community and operational benefits for those organisations occupying the building. It is therefore proposed to amend section 4.10 as follows: The co-location of new community facilities <u>will be supported by the District Council, where there is operational and there are community benefits.</u>
Rapleys on behalf of	15		For education, community meeting facilities, healthcare and	Disagree - the SPD is intended to provide further guidance on this

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
<p>Associated British foods</p>			<p>sport facilities – the use of planning obligations should not occur unless it is clear that there is no overlap with CIL contributions, specifically regarding Ely secondary and the provision of a new leisure centre in Ely. Moreover, this SPD should state that any update to the Regulation 123 List will be reflected in S106 requirements. The suggestion that several developments (a maximum of 5 housing schemes) may need to collectively secure provision is not adequately clarified. The SPD must explain which schemes this will apply to in terms of scale or numbers of houses and this should be incorporated into policy in the forthcoming Local Plan. Local plan allocations should state where there is likely to be a planning obligation and what the requirement relates to.</p> <p>Whilst much of the text reflects that of the previous SPD, it states that new development will be required to contribute to the provision of early years, primary</p>	<p>issue and sets out a clear split between infrastructure sought via S106 and CIL. The Council is aware of and understands the CIL Regulations (regulations 122 and 123) and has no desire to attempt to act illegally or improperly. Under the new regulations and legislation, it will not be possible for a Council to get away with double charging. It would soon be questioned by developers, and challenged. In summary, we have no desire to attempt it and it would not be possible anyway.</p>

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
			and secondary school places. This should state that additional planning obligations will only be required where there is no existing capacity and the specific requirement relates directly to that generate by the development.	
Bidwells on behalf of Barratt Eastern Counties Ltd	20	Disagree	Section 4.6 of the Draft SPD suggests that 'in certain situations' planning obligations may be used to deliver new community facilities required by a small number or large / medium size developments. We are concerned that there is a lack of clarity and certainty as to what these circumstances might be. Baring in mind our concerns in relation to the lack of detail within the current Regulation 123 list, it is clear that further consideration of the relationship between CIL and Planning Obligations is required and that further clarity needs to be provided before the SPD is adopted. Otherwise, there is a risk of double counting occurring and/or development and investment being delayed until	Disagree - the SPD is intended to provide further guidance on this issue and sets out a clear split between infrastructure sought via S106 and CIL. The Council is aware of and understands the CIL Regulations (regulations 122 and 123) and has no desire to attempt to act illegally or improperly. Under the new regulations and legislation, it will not be possible for a Council to get away with double charging. It would soon be questioned by developers, and challenged. In summary, we have no desire to attempt it and it would not be possible anyway.

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cams Officer comments
			such matters are more clearly resolved.	

Q9. Do you agree or disagree with the Council's proposed approach to seeking planning obligations for healthcare facilities as set out in Section 4.7?

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
Unex Group Holdings Ltd	5	Disagree	As noted above, on large sites this appears to involve double counting with CIL payments.	Disagree - the SPD is intended to provide further guidance on this issue and sets out a clear split between infrastructure sought via S106 and CIL. The Council is aware of and understands the CIL Regulations (regulations 122 and 123) and has no desire to attempt to act illegally or improperly. Under the new regulations and legislation, it will not be possible for a Council to get away with double charging. It would soon be questioned by developers, and challenged. In summary, we have no desire to attempt it and it would not be possible anyway.
Smith Gore on behalf of Church Commissioners	11		The guidance does not address the situation whereby the PCT has identified its own site as the preferred location for further investment. This is exactly the case at North Ely and further guidance is required as to how such situations might be	Agree - it is acknowledged that there may be circumstances where health facilities are provided off-site as is the case at North Ely. 'In certain situations, planning obligations may also be used to

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
			addressed.	deliver a new healthcare facility where required by a small number of medium/small scale developments – with the facility provided on site.
Cheffins	10	Disagree	It is still not clear how the Council will ensure that ‘double counting’ will not take place, and that developers will not be charged twice for the same infrastructure. Table 3.2 provides little clarity on the split between infrastructure that will be delivered through CIL, and infrastructure that will be delivered through section 106. How will the Council decide what is “development specific” infrastructure, and what is “other” infrastructure in respect of healthcare facilities?	Disagree - the SPD is intended to provide further guidance on this issue and sets out a clear split between infrastructure sought via S106 and CIL. The Council is aware of and understands the CIL Regulations (regulations 122 and 123) and has no desire to attempt to act illegally or improperly. Under the new regulations and legislation, it will not be possible for a Council to get away with double charging. It would soon be questioned by developers, and challenged. In summary, we have no desire to attempt it and it would not be possible anyway.
Cambridgeshire County Council	13		These figures given are attributed to NHS Cambridgeshire. The figures are indicative only and possibly where there are caveats in the document these could appear in bold to ensure key messages are highlighted.	Disagree – it is not considered necessary to include bold text as the costs quoted for health facilities are indicative figures only.
Cambridgeshire	14		Under financial contributions. We	Disagree – it is not considered to

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
Primary Care Trust			<p>note that you provide figures and costs as a guide. Will reference be made to these uplifted in line with RPI?</p> <p>We would be happy to suggest a per dwelling/unit figure if this is considered clearer than the facility example you have included.</p>	<p>include additional wording as this issue is already covered in paragraph 3.3.10 of the SPD.</p> <p>Disagree – it is considered that the examples given are appropriate for the purposes of providing applicants with an indication of the potential costs for healthcare facilities given that planning obligations will be focused on specific developments following the introduction of CIL.</p>
Rapleys on behalf of Associated British foods	15		<p>For education, community meeting facilities, healthcare and sport facilities – the use of planning obligations should not occur unless it is clear that there is no overlap with CIL contributions, specifically regarding Ely secondary and the provision of a new leisure centre in Ely. Moreover, this SPD should state that any update to the Regulation 123 List will be reflected in S106 requirements. The suggestion that several developments (a maximum of 5 housing schemes) may need to</p>	<p>Disagree - the SPD is intended to provide further guidance on this issue and sets out a clear split between infrastructure sought via S106 and CIL. The Council is aware of and understands the CIL Regulations (regulations 122 and 123) and has no desire to attempt to act illegally or improperly. Under the new regulations and legislation, it will not be possible for a Council to get away with double charging. It would soon be questioned by developers, and challenged. In summary, we have no desire to</p>

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
			<p>collectively secure provision is not adequately clarified. The SPD must explain which schemes this will apply to in terms of scale or numbers of houses and this should be incorporated into policy in the forthcoming Local Plan. Local plan allocations should state where there is likely to be a planning obligation and what the requirement relates to.</p> <p>The SPD states that new residential development will be required to contribute to the improvement or expansion of existing healthcare facilities. This should be reworded to state that planning obligations will only be required where there is insufficient existing capacity to cater for the needs of those additional people brought about by the individual development.</p>	<p>attempt it and it would not be possible anyway.</p> <p>Agree – planning obligations will only be sought where there is insufficient existing capacity at existing healthcare facilities within the locality. It is therefore proposed to include the following wording in section 4.7 (text underlined):</p> <p>'New residential development will be required to contribute to the improvement or expansion of existing healthcare facilities, <u>unless there would be sufficient existing capacity in available infrastructure to cater for needs arising from the new development.</u>'</p>

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
<p>Bidwells on behalf of Barratts Eastern Counties Ltd</p>	<p>20</p>	<p>Disagree</p>	<p>Section 4.7 of the Draft SPD suggests that 'in certain situations' planning obligations may be used to deliver new healthcare facilities required by a small number or large / medium size developments. We are concerned that there is a lack of clarity and certainty as to what these circumstances might be. Baring in mind our concerns in relation to the lack of detail within the current Regulation 123 list, it is clear that further consideration of the relationship between CIL and Planning Obligations is required and that further clarity needs to be provided before the SPD is adopted. Otherwise, there is a risk of double counting occuring and/or development and investment being delayed until such matters are more clearly resolved.</p>	<p>Disagree - the SPD is intended to provide further guidance on this issue and sets out a clear split between infrastructure sought via S106 and CIL. The Council is aware of and understands the CIL Regulations (regulations 122 and 123) and has no desire to attempt to act illegally or improperly. Under the new regulations and legislation, it will not be possible for a Council to get away with double charging. It would soon be questioned by developers, and challenged. In summary, we have no desire to attempt it and it would not be possible anyway.</p>

Q10. Do you agree or disagree with the Council's proposed approach to seeking planning obligations for sports facilities as set out in Section 4.8?

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
Stetchworth Parish Council	3	Agree		Support noted.
Unex Group Holdings Ltd	5	Disagree	As noted above, on large sites this appears to involve double counting with CIL payments. The comments on maintenance costs set out against open space apply equally to sports facilities.	Disagree - the SPD is intended to provide further guidance on this issue and sets out a clear split between infrastructure sought via S106 and CIL. The Council is aware of and understands the CIL Regulations (regulations 122 and 123) and has no desire to attempt to act illegally or improperly. Under the new regulations and legislation, it will not be possible for a Council to get away with double charging. It would soon be questioned by developers, and challenged. In summary, we have no desire to attempt it and it would not be possible anyway.
Cheffins	10	Disagree	It is still not clear how the Council will ensure that 'double counting' will not take place, and that developers will not be charged twice for the same infrastructure. Table 3.2 provides little clarity on	Disagree - the SPD is intended to provide further guidance on this issue and sets out a clear split between infrastructure sought via S106 and CIL. The Council is aware of and

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
			<p>the split between infrastructure that will be delivered through CIL, and infrastructure that will be delivered through section 106. How will the Council decide what is “development specific” infrastructure, and what is “other” infrastructure in respect of sports facilities? The Regulation 123 list for CIL has not identified any projects that fall within the ‘major’ (between £100k and £4m) or ‘minor’ (under £100k) categories, and at this stage the Council states that it will only use CIL receipts for three ‘strategic’ (i.e. over £4m) infrastructure projects – a secondary school at Littleport; Ely Leisure Centre; and a new railway station at Soham. Potentially therefore, there is clearly a risk that section 106 contributions for sports facilities on North Ely and CIL payments could both be used for the Ely Leisure Centre, making the developer pay twice for the same infrastructure. It is still not at all clear how such a situation could be seen to be avoided.</p>	<p>understands the CIL Regulations (regulations 122 and 123) and has no desire to attempt to act illegally or improperly. Under the new regulations and legislation, it will not be possible for a Council to get away with double charging. It would soon be questioned by developers, and challenged. In summary, we have no desire to attempt it and it would not be possible anyway.</p>

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
Cambridgeshire County Council	13		Please refer to Qs 3 and 7	Please see proposed responses to County Council's comments relating to Questions 3 and 7.
Rapleys on behalf of Associated British foods	15		For education, community meeting facilities, healthcare and sport facilities – the use of planning obligations should not occur unless it is clear that there is no overlap with CIL contributions, specifically regarding Ely secondary and the provision of a new leisure centre in Ely. Moreover, this SPD should state that any update to the Regulation 123 List will be reflected in S106 requirements. The suggestion that several developments (a maximum of 5 housing schemes) may need to collectively secure provision is not adequately clarified. The SPD must explain which schemes this will apply to in terms of scale or numbers of houses and this should be incorporated into policy in the forthcoming Local Plan. Local plan allocations should state where there is likely to be a planning obligation and what the requirement relates to.	Disagree - the SPD is intended to provide further guidance on this issue and sets out a clear split between infrastructure sought via S106 and CIL. The Council is aware of and understands the CIL Regulations (regulations 122 and 123) and has no desire to attempt to act illegally or improperly. Under the new regulations and legislation, it will not be possible for a Council to get away with double charging. It would soon be questioned by developers, and challenged. In summary, we have no desire to attempt it and it would not be possible anyway.

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
<p>Bidwells on behalf of Barratts Eastern Counties Ltd</p>	<p>20</p>	<p>Disagree</p>	<p>Section 4.8 of the Draft SPD suggests that 'in certain situations' planning obligations may be used to deliver new healthcare facilities required by a small number or large / medium size developments. We are concerned that there is a lack of clarity and certainty as to what these circumstances might be. Baring in mind our concerns in relation to the lack of detail within the current Regulation 123 list, it is clear that further consideration of the relationship between CIL and Planning Obligations is required and that further clarity needs to be provided before the SPD is adopted. Otherwise, there is a risk of double counting occurring and/or development and investment being delayed until such matters are more clearly resolved.</p>	<p>Disagree - the SPD is intended to provide further guidance on this issue and sets out a clear split between infrastructure sought via S106 and CIL. The Council is aware of and understands the CIL Regulations (regulations 122 and 123) and has no desire to attempt to act illegally or improperly. Under the new regulations and legislation, it will not be possible for a Council to get away with double charging. It would soon be questioned by developers, and challenged. In summary, we have no desire to attempt it and it would not be possible anyway.</p>

Q11. Do you agree or disagree with the Council's proposed approach to seeking planning obligations for transport as set out in Section 4.9?

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
Stetchworth Parish Council	3	Agree	This is extremely important as our roads get more and more congested and commuter times increase	Support noted.
Unex Group Holdings Ltd	5	Disagree	As noted above, on large sites this appears to involve double counting with CIL payments.	Disagree - the SPD is intended to provide further guidance on this issue and sets out a clear split between infrastructure sought via S106 and CIL. The Council is aware of and understands the CIL Regulations (regulations 122 and 123) and has no desire to attempt to act illegally or improperly. Under the new regulations and legislation, it will not be possible for a Council to get away with double charging. It would soon be questioned by developers, and challenged. In summary, we have no desire to attempt it and it would not be possible anyway.
Cheffins	10	Disagree	It is still not clear how the Council will ensure that 'double counting' will not take place, and that developers will not be charged	Disagree - the SPD is intended to provide guidance and sets out a clear split between infrastructure sought via S106

			<p>twice for the same infrastructure. Table 3.2 provides little clarity on the split between infrastructure that will be delivered through CIL, and infrastructure that will be delivered through section 106. How will the Council decide what is “development specific” infrastructure, and what is “other” infrastructure in respect of transport? The Regulation 123 list for CIL does not include the southern by-pass scheme for Ely, however, it is understood that CIL receipts will be used for this project.</p>	<p>and CIL. The Council is aware of and understands the CIL Regulations (regulations 122 and 123) and has no desire to attempt to act illegally or improperly. Under the new regulations and legislation, it will not be possible for a Council to get away with double charging. It would soon be questioned by developers, and challenged. In summary, we have no desire to attempt it and it would not be possible anyway.</p> <p>The CIL Regulation 123 list agreed by Full Council in January 2013 does not include reference to the Ely Southern Bypass scheme. The District Council is currently in discussions with the County Council to discuss funding options for this scheme.</p>
<p>Cambridgeshire County Council</p>	<p>13</p>	<p>Agree</p>	<p>The County Council’s support is subject to clarification of the definition of schemes in Q 3.</p> <p>The County Council welcomes the reference to Travel Plans and the Travel for Work Partnership. These can have a significant impact upon reducing site related traffic movement and hence the need for infrastructure</p>	<p>Support noted.</p> <p>Support noted.</p>

			<p>Additional text welcoming early engagement with both authorities referencing the need for Transport Statements and Assessments where development will generate significant additional impacts upon the highway network would be helpful; this would facilitate discussions relating to draft HoTs for S106 agreements.</p>	<p>Agree – this is a sensible suggestion as it explains the County Council’s involvement in the consideration of Transport Statements and Assessments. It is therefore proposed to include the following wording in Section 4.9 as follows:</p> <p><u>‘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.</u></p> <p>Applicants should seek the advice of the District Council <u>and County Council</u> to determine whether a Travel Plan needs to be submitted with a planning application.</p>
Bidwells on behalf of Barratts	20	Disagree	Section 4.8 of the Draft SPD suggests that 'in certain situations' planning obligations	Disagree - the SPD is intended to provide guidance and sets out a clear split between

<p>Eastern Counties Ltd</p>			<p>may be used to deliver new healthcare facilities required by a small number or large / medium size developments. We are concerned that there is a lack of clarity and certainty as to what these circumstances might be. This is a particular issue with transport infrastructure where improvements may be required off-site and where it can be more difficult to determine the extent to which requirements are generated from particular developments. Baring in mind our concerns in relation to the lack of detail within the current Regulation 123 list, it is clear that further consideration of the relationship between CIL and Planning Obligations is required and that further clarity needs to be provided before the SPD is adopted. Otherwise, there is a risk of double counting occurring and/or development and investment being delayed until such matters are more clearly resolved.</p>	<p>infrastructure sought via S106 and CIL. The Council is aware of and understands the CIL Regulations (regulations 122 and 123) and has no desire to attempt to act illegally or improperly. Under the new regulations and legislation, it will not be possible for a Council to get away with double charging. It would soon be questioned by developers, and challenged. In summary, we have no desire to attempt it and it would not be possible anyway.</p>
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Q12 Do you agree or disagree with the Council's proposed approach to seeking planning obligations for biodiversity/natural habitats, historic environment, flood defence, Sustainable Drainage Systems, skills development and jobs delivery as set out in Section 4.10?

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
Stetchworth Parish Council	3		As our climate changes flood defence and sustainable drainage systems become essential	Comments noted.
Unex Group Holdings Ltd	5	Disagree	S106 should only relate to on site infrastructure or absolutely adjoining junction / access improvements etc. This list of items again appears to involve double counting with CIL payments.	Disagree – planning obligations for the items listed in section 4.10 will only be sought where these are required to address the potential impacts of individual developments and these do not form part of the design of individual proposals. In the case of burial land this will only be sought where there is an identified deficiency in provision which should be addressed by a large housing development.
Cheffins	10	Disagree	Major strategic sites such as North Ely will provide new natural habitats, SUDS, and employment opportunities as an integral part of their proposals. Again, it is not clear how 'double counting' will be avoided between such provision as part of planning obligations and through the use of	Disagree – planning obligations for the items listed in section 4.10 will only be sought where these are required to address the potential impacts of individual developments and these do not form part of the design of individual proposals. In the case of burial land this will only be sought where there is an

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
			CIL contributions.	identified deficiency in provision which should be addressed by a large housing development.
Smith Grove on behalf of Church Commissioners	11		This is noted but the text should make it clear that the Council will only seek such contributions where the relevant statutory tests are met.	<p>Agree (in part) – it is agreed that there is a need to make it clear in the SPD that planning obligations for the items set out section 4.10 will have to satisfy the statutory tests for planning obligations.</p> <p>The following wording should be included to follow section 4.10.</p> <p>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.</p>
Hundred Foot Washes/Sutton & Mepal IDB	12		In respect of development within the above Boards, your Council should appreciate that any contribution required by the Council for drainage/flood prevention infrastructure works, in whatever form, will be in addition	Agree – it is proposed to include reference to the maintenance of SUDs which may be sought by Cambridgeshire County Council as SuDs Approval Body (SAB) or the District Council (where appropriate) dependant which

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			<p>to those contributions received by the above Boards from developers under the Land Drainage Act 1991 and associated byelaws.</p> <p>If it is found that attenuation features or improvements to the downstream channel system are required these are normally paid for by the developer(s), thus following current Government policy on these issues.</p> <p>Problems can arise on developments which are developed piecemeal or by separate developers. In such cases it has proved beneficial in the past, to have a master plan so that all parties know what is required.</p> <p>As a result, it is considered that the cost on the Commissioners/Boards does not really need to be accounted for within the tariff for development in terms of water level/flood risk management as there are current procedures in place for the</p>	<p>body or landowner has responsibility for its maintenance as outlined in the County Council's Draft SuDs Design Handbook .</p> <p>The following amended wording is proposed to be included in section 4.10 (text underlined):</p> <p>Financial contributions through planning obligations may be sought towards the maintenance of Sustainable Drainage Systems (SuDS) <u>by the District Council or the County Council as SuDs Approval Body (where this not the responsibility of the landowner).</u></p>

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			<p>developer to pay. The long-term maintenance of facilities not 'adopted' by an accountable body may need to be accounted for on some development, for example the use of SuDS for which there are no firm guidelines at present. However, this is currently being debated as the various SuDS Approval Boards (SAB) develop.</p>	
<p>Rapleys on behalf of Associated British foods</p>	<p>15</p>		<p>Whilst it is understood that there may be other planning obligations to mitigate a development, the list within Section 4.10 appears more as a wish list of requirements. In order to accord with the legal and guidance framework, the statement should be amended to state that only where there is a recognised deficiency of provision, or a requirement is brought about directly by the development, will other planning obligations be sought.</p>	<p>Agree (in part) – it is agreed that there is a need to make it clear in the SPD that planning obligations for the items set out section 4.10 will not be required under all circumstances.</p> <p>The following wording should be included to follow section 4.10.</p> <p>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.</p>

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
English Heritage	17		We are pleased to see that heritage assets are included in the matters which may benefit from planning obligations listed in section 4.10.	Support noted.
Environment Agency	18		We support reference to natural habitats which encompasses scope to ring about Water Framework Directive improvements.	Support noted.
Bidwells on behalf of Barratts Eastern Counties Ltd	20	Disagree	Once again, we are concerned that there is a lack of clarity and certainty as to the circumstances under which such requirements would be dealt with through s106 and which ones would be addressed through CIL. Baring in mind our concerns in relation to the lack of detail within the current Regulation 123 list, it is clear that further consideration of the relationship between CIL and Planning Obligations is required and that further clarity needs to be provided before the SPD is adopted. Otherwise, there is a risk of double counting occurring and/or development and investment being delayed until such matters are more	<p>Agree (in part) – it is agreed that there is a need to make it clear in the SPD that planning obligations for the items set out section 4.10 will not be required under all circumstances.</p> <p>The following wording should be included to follow section 4.10</p> <p>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.</p>

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Camba Officer comments
			clearly resolved.	

Q13 Additional comments

Respondent	Rep. ID	Agree or disagree?	Summary of responses	East Cambs Officer comments
Cheffins	10		Appendix 1 of the current SPD on Developer Contributions sets out the standard contributions for Ely, Soham, Littleport and the rest of the District (north and south). These tables provide a very useful summary of likely total contributions, but they have not been carried forward into the new SPD.	Disagree - Appendix 1 of the SPD (2011) set out the expected financial contributions which would be sought for different parts of the district on a per dwelling basis. Following the introduction of CIL it is intended to focus section 106 agreements on infrastructure related to specific developments. Therefore it is not considered possible to set out the expected level of contributions for different parts of the district as set out in the previous version of the SPD.
Hundred Foot Washes/Sutton & Mepal IDB	12		The Commissioners and associated Boards are prepared to work in partnership with the local Community, private and public partners to fund and deliver water level/flood risk management schemes where there is a mutual benefit to the partners concerned.	Comment noted. The IDB's support for further partnership working in relation to flood risk and water management issues is noted.

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Cambridgeshire County Council	13	Agree	<p>Whilst the principles underlying the areas covered are supported a specific reference to the policy context would add clarity.</p> <p>Reference should be made to the requirement for planning obligations for waste management provision as outlined in the County Council's RECAP Waste Management Design Guide.</p> <p>In section 2.2.1 there is a list of traditional beneficiaries of section 106/CIL funding; affordable housing, community facilities etc. are on the list. It would be good to see HWRC's included on the list,</p> <p>There is no mention of Section 106/CIL being used for the provision of development officers to be 'on site' to assist early communities to set up structures for sports clubs, art clubs etc</p>	<p>Disagree – it is not considered necessary to include reference to specific development plan policies as part of Section 4.10 as the policy context is explained earlier in this document.</p> <p>Agree (in part)- reference should also be made to potential planning obligations for waste management provision following the text in Section 4.10. It is therefore proposed to include the following text:</p> <p><u>Waste management:</u> as outlined in the County Council's RECAP Waste Management Design Guide SPD (adopted February 2012).</p> <p>Agree – this is a sensible suggestion as there is scope for planning obligations to be sought by sport/arts development officers on larger housing sites.</p> <p>It is therefore proposed to add the following wording to Section 4.10:</p>

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				<p><u>Community Development:</u> provision of community, development, sport or arts officers may be required for large scale housing developments. Planning obligations will be used to fund officer to encourage greater community participation and develop appropriate structures and community bodies.</p>
<p>Rapleys on behalf of Associated British foods</p>	<p>15</p>		<p>The SPD fails to acknowledge that some sites are allocated for regeneration and gives no consideration for the differing land values within East Cambridgeshire. At present the SPD also fails to acknowledge any wider economic or employment benefits achieved as a result of development. It is anticipated that CIL combined with other planning obligations will render many developments as unviable and may stall proposed regeneration schemes. To ensure the on-going regeneration aspirations and as such, exemptions should be included.</p>	<p>Disagree - financial viability work has been undertaken as part of the preparation of the District Council's CIL Charging Schedule to demonstrate that the rates which will be applied have been set at a level which will ensure that residential and retail developments remain financially viable. This issue has also been discussed as part an independent examination which led to the adoption of the Charging Schedule by the District Council.</p> <p>It is also intended that financial viability issues will be fully considered by the District Council as part of planning obligations</p>

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				process as set out in Section 3 of the Draft SPD.
<p>East Cambridgeshire District Council Legal Team</p>	<p>24</p>		<p>Page 1 Contents page: Does not appear to cover waste, employment and footpaths (or more specific street furniture which may be required on the type of s106 that we will now be dealing with). Maybe you can include a generic reference on page 24.</p> <p>Waste? Footpaths? Street furniture? Visibility splays?</p>	<p>Agree (in part)- reference should also be made to potential planning obligations for waste management provision following the text in Section 4.10. It is therefore proposed to include the following text:</p> <p><u>Waste management:</u> as outlined in the County Council's <u>RECAP Waste Management Design Guide SPD (adopted February 2012)</u>.</p> <p>Visibility splays would form part of the junction improvements outlined in Section 4.9 of the Draft SPD.</p>