

FAO Greater Cambridge Shared Planning Service
BY EMAIL ONLY

24th January 2025

Dear Sir / Madam,

DRAFT GREATER CAMBRIDGE PLANNING OBLIGATIONS SPD

On behalf of our client, U+I (Cambridge) Limited and Cambridge 4 LLP, please find enclosed representations to Greater Cambridge's Shared Planning Service (GCSPS) consultation on its draft Greater Cambridge Planning Obligations SPD - Winter 2024 (draft SPD).

First, these representations explain the importance of a site known as Hartree to North East Cambridge (NEC) and to the wider Cambridge region as whole. This is followed by comments on the following draft chapters in the SPD:

- Chapter 2: Approach to Planning Obligations
- Chapter 4: Affordable Housing
- Chapter 7: Community Facilities
- Chapter 9: Libraries and Lifelong Learning
- Chapter 10: Transport and Highways
- Chapter 11: Education
- Chapter 12: Public Art
- Chapter 13: Burial Space
- Chapter 14: Public Open Space
- Chapter 15: Indoor Sports, including Swimming
- Chapter 20: Planning Obligations to Support Affordable Workspace
- Chapter 23: Other Potential Development Specific Requirements

Hartree

U+I (Cambridge) Limited and Cambridge 4 LLP are the Applicant for the Hartree development, located in North East Cambridge. The site comprises previously developed land and accommodates the Cambridge Waste Water Treatment Plant, the Cambridge City Council owned depot site, two office buildings and the Cambridge Golf Driving Range.

Hartree is a new neighbourhood proposal for 5,600 homes, approximately 95,000sqm of commercial and life science space, retail, education, community, sports and healthcare uses. The proposal includes the delivery of significant major infrastructure, public open space and public realm.

Hartree is one of the largest sites within the 'North East Cambridge' (NEC) Area Action Plan area. Its delivery is fundamental to the success of NEC as a new urban quarter. The scale of the site and delivery of such a

large proportion of new homes is fundamental at a regional and national scale to help the Government meet its aim of delivering 300,000 new homes per annum.

For six years, the Hartree team has participated in extensive pre-application discussions and masterplanning critique with the GCSPS and the Joint Development Control Committee (JDCC). Statutory consultees have been engaged and consulted such as Cambridge County Council in relation to Education and Highways matters, Sport England, the NHS and the Lead local Flood Authority. Community consultation and engagement with local interest and stakeholder groups has been fundamental to the evolution of Hartree masterplan.

It is therefore important that the scheme is not overburdened with unreasonable planning obligations that have not been discussed through the pre-application process.

Following this extensive engagement process, an outline planning application is programmed for submission in Spring 2025. This will be supported by Heads of Terms for a S106 agreement.

Comments on the draft Planning Obligations SPD

U+I (Cambridge) Limited and Cambridge 4 LLP support the purpose of a Planning Obligations SPD to provide supplementary planning guidance on planning obligations required to secure infrastructure necessary to support the needs generated by proposed developments. The draft SPD's aim to provide greater transparency on the types of planning obligations that may be applicable to new development is fully supported. However, the exact nature of some contributions and how certain financial contributions are calculated and justified, is questioned and commented upon below. It is important to highlight the national Planning Practice Guidance (PPG) which clarifies when planning obligations should be applied.

Paragraph 002 Reference ID: 23b-002-2019090 states:

“Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:

- *necessary to make the development acceptable in planning terms;*
- *directly related to the development; and*
- *fairly and reasonably related in scale and kind to the development.*

These tests are set out as statutory tests in regulation 122 (as amended by the 2011 and 2019 Regulations) and as policy tests in the National Planning Policy Framework.”

It is therefore important to ensure proposed planning obligations in the draft SPD comply with the statutory tests in the planning legal framework.

We also understand that there will be forthcoming PPG changes on viability and therefore question what process there will be for refreshing the document in line with changes to the PPG, given this consultation will already have been undertaken?

Chapter 2 – Approach to Planning Obligations

- **Paragraph 2.26** states that normally *“contributions will be indexed linked from the date that the s106 Agreement was entered into until the time of payment unless the s106 Agreement specifically advises otherwise. In some cases, it may be appropriate for contributions to be linked to an alternative time, such as the date of committee resolution or the consultation date identifying the contribution amount.”*
- U+I (Cambridge) Limited and Cambridge 4 LLP do not consider it reasonable or lawful to link contributions to the date of committee resolution or the consultation date identifying the contribution amounts. It is requested that this sentence is removed from the SPD.

Chapter 4: Affordable Housing

- **Paragraph 4.30** states that on phased developments *“the councils will also expect a revised viability assessment to be submitted where any phase of the scheme has unavoidably stalled for 12 months”*. There are numerous reasons why a development may stall or be paused and this mandatory requirement for a revised viability assessment at this time is considered onerous for developers, particularly if set trigger viability clauses already exist within a signed S106 agreement. A more reasonable timescale of 18 months is suggested. An amendment to the wording (in red) could be: *“the councils will also expect a revised viability assessment to be submitted where any phase of the scheme has unavoidably stalled for 18 months”*.

Chapter 7: Community Facilities

- **Paragraph 7.18** states that the starting point for the negotiation of faith space is 0.5 hectares of free or heavily discounted land per 3,000 dwellings.
- U+I (Cambridge) Limited and Cambridge 4 LLP consider this requirement should be based on an identified level of need in a geographical area, rather than an arbitrary standard requirement. It is also unclear how the 0.5 hectare figure has been derived and evidenced, and if the use of this obligation would make a development acceptable in planning terms.
- U+I (Cambridge) Limited and Cambridge 4 LLP consider that flexible, multi-use spaces that can be used for a range of faith, cultural and social activities are more efficient, cost-effective and encourage greater engagement and social mixing and in turn more likely to generate demand.
- Therefore, the necessity and rationale for this obligation should be reviewed.
- **Paragraph 7.19** uses the terminology of ‘pump priming contributions’. What this is and how it is applied to development should be explained in the supporting text or explained in a glossary.
- **Paragraph 7.22** states that where a need is identified *“Community Support Workers could be required to address a range of issues, such as youth workers, health workers or community development workers.”* This is a broad requirement and there appears to be no evidence to support such an obligation. Cambridge Local Plan Policy 73 (Community, Sport & Leisure Facilities) does not mention community support workers, or similar. The necessity of this obligation should therefore be reviewed and justified against the criteria set out in Regulation 122.
- Similarly, **paragraph 7.23** states *“Small grants scheme (community chest): A contribution, to be agreed, will be required for the development of community grants or an investment fund to support local residents of the new development, and or, to support the development and growth of social businesses in the local area.”*
- Again, U+I (Cambridge) Limited and Cambridge 4 LLP consider this to be a broad requirement that may not be specific to mitigating the effects of a development on a particular site. Evidence for the planning obligation does not appear to be within adopted policy wording.
- **Paragraph 7.27** states the cost of providing community centres is £4,020 per m² which is to be used as a starting point for a developer contribution towards community facilities. The cost associated with maintaining (utilities, decoration, services, etc) community facilities is £117.57 per m².
- U+I (Cambridge) Limited and Cambridge 4 LLP are unclear how these figures have been derived, what comparable schemes have been used and how these costs have been calculated in relation to specification.
- Similarly, the same comments apply to the figures in the community facilities contributions by dwelling size table. The figures appear high and it unclear how they have been calculated and if they have been subject to viability testing.

Chapter 9: Libraries and Lifelong Learning

- **Paragraph 9.8** states that *“new housing development will have implications for the existing library provision, which may require the following developer contributions towards the provision of:*
 - *Sites for new libraries.*
 - *A new library building (covering full building and finishes).*
 - *Co-location with other services in ‘community hubs’.*
 - *Library fit out and new stock (including the provision of power, data, IT equipment, furniture, shelving and fittings).*
 - *Upgrading an existing library and lifelong learning facility (might include an extension and/or improvement to the existing floor space).*
 - *A mobile service, community provided or ‘pop up’ service.*
 - *A revenue stream for the provision of new services for a period of time”*
- The above list includes substantial requirements and it is unclear if the requirements are mutually exclusive. For example, if a new library building is provided, is the library fit out and new stock also required? Or is the provision of just one item in the list sufficient to mitigate the effects of development? Who and how will a decision be made and how is it evidenced? U+I (Cambridge) Limited and Cambridge 4 LLP request that greater narrative is provided on this matter to improve developer expectations and improve transparency.

Chapter 10: Transport and Highways

- It is accepted that planning proposals should mitigate their transport impacts and that this could include planning obligations to deliver financial contributions or physical infrastructure as may be required to mitigate the development’s impacts, set against the Regulation 122 tests to be necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. This is confirmed by **paragraph 10.1** of the draft SPD *‘... to mitigate the direct impact of the development scheme on the transport network and to make the proposed development acceptable in Highways terms’*. It is a site-specific matter to mitigate its specific impacts.
- **Paragraph 10.1** states *‘...to mitigate the direct impact of the development scheme on the transport network and to make the proposed development acceptable in Highways terms’*. It is a site specific matter to mitigate its specific impacts. **Paragraph 10.20** states that largescale developments subject to a vehicular trip budget should be monitored, and should the agreed forecast trips be exceeded, then a financial penalty, hold on future development, or a revised schedule of further transport or travel planning interventions, will likely be triggered.
- U+I (Cambridge) Limited and Cambridge 4 LLP consider that a financial penalty and hold on future development are extreme measures for failure to comply with a trip budget. Yes, more support for additional contributions for specific mitigations may be necessary and required but to unduly stop active development construction goes against the Central Government’s aim of delivering 300,000 homes per annum. Furthermore, it is also unclear how the financial penalty would be calculated - it is not consistent with Regulation 122.
- U+I (Cambridge) Limited and Cambridge 4 LLP request that the wording is deleted relating to a financial penalty and hold on development.

Transport Position Statement

- In parallel to the draft SPD the County Highway Authority, at its 16 January 2025 ‘Environment and Green Investment Committee’, endorsed its own prepared ‘Transport Position Statement’ for the emerging larger boundary for the North East Cambridge Area Action Plan (NECAAP). This document

has not been subject to public consultation and none of the background evidence documents to support its content and conclusion are included for scrutiny.

- U+I (Cambridge) Limited and Cambridge 4 LLP consider there should not be a link between the non-consulted and non-evidenced Transport Position Statement and the emerging updated Greater Cambridge Planning Obligations SPD. Furthermore, the Transport Position Statement asks for financial contributions towards strategic infrastructure to support an enlarged action plan area that has not been consulted upon or tested for viability.

Chapter 11: Education

- **Paragraph 11.12** states that *“other contributions may be sought towards temporary accommodation or school travel.”*
- This appears to be a “catch-all” clause at the end but U+I (Cambridge) Limited and Cambridge 4 LLP query if this meets the reasonable tests within regulation 122. There needs to be evidence to support these potential obligations within the draft SPD.

Chapter 12: Public Art

- **Paragraph 12.12** states that *“for major development on very large and complex sites, where the capital value reaches tens of millions of pounds, a 1% public art value may not be an appropriate measure for setting budgets. In such cases, budgets will be agreed through negotiation on a case-by-case basis, subject to meeting the policy objectives. These negotiations will be informed from thorough evaluation processes and the technical knowledge of public art expertise. In all cases, 1% (index linked) remains the starting point for any negotiations for public art, on any site.”*
- U+I (Cambridge) Limited and Cambridge 4 LLP support the principle that a 1% public art value is not appropriate for setting budgets on large major sites as public art budgets for these types of sites should be determined on a site specific and wider-geographic basis. U+I (Cambridge) Limited and Cambridge 4 LLP do not agree that the starting point should be 1% as this is unrealistic on such large major sites. The contribution does not meet the Regulation 122 test as being necessary to make the development acceptable in planning terms and is not directly related to the development, therefore it cannot be considered reasonable. Furthermore, it is not possible to tell how the 1% gross development cost has been calculated therefore fails the Regulation 122 test of being fairly and reasonably related in scale and kind to the development. U+I (Cambridge) Limited and Cambridge 4 LLP request for this requirement to be deleted.
- **Paragraph 12.14** states that *“public art should be developed through a three-way partnership between the developer, an art consultant, and the Council and involve consultation with the local community. The s106 agreement should include an agreed and negotiated commuted sum based on the complexity and timelines as set out in each Public Art Delivery Plan or Strategy to cover the Council's requirement for its own public art expertise to support its delivery.”*
- U+I (Cambridge) Limited and Cambridge 4 LLP consider that on large major sites it may not be possible to agree a public art budget for inclusion within the S106 agreement. The wording should be amended to allow the budget to be included within the Public Art Delivery Plan.

Chapter 13: Burial Space

- **Paragraph 13.7** states that *“proposals for sites over 200 dwellings should be accompanied by assessments of need and strategies regarding how the need will be addressed”*. U+I (Cambridge) Limited and Cambridge 4 LLP would like to query how the threshold of 200 dwellings was arrived at as it seems quite low.
- **Paragraph 13.11** provides the burial sites contributions by dwelling size and these are replicated below.

Burial sites contributions by dwelling size

| Dwelling size | Cost by dwelling size (£) |
|---------------|---------------------------|
| 1 bed | 139.26 |
| 2 bed | 233.23 |
| 3 bed | 320.10 |
| 4 bed+ | 369.10 |

- U+I (Cambridge) Limited and Cambridge 4 LLP query how these contributions by dwelling size have been formulated and what evidence was used to calculate the cost. It is also unclear if the need has been fully evidenced as required by Regulation 122.

Chapter 14: Open Space

- Paragraph 14.14** states that the Cambridge Local Plan requires 1.2 hectares per 1,000 people of playing pitches, courts and greens. Appendix I states that this is an amalgamation of standards for different sports, based on team generation rates and current provision, and provides guidance regarding how this should be addressed.
- U+I (Cambridge) Limited and Cambridge 4 LLP requests wording is inserted to clarify that greater flexibility should be given to significant large previously developed sites in the urban context that are subject to an Area Action Plan. In the case of Hartree, it has been agreed that it better to use the land more efficiently and intensely for development and accepted that the open space standards cannot be met in full on site.

Chapter 15: Indoor Sports, including Swimming

- Paragraph 15.14** states that at the time of publication, the Sport England Facilities Calculator requires £236 for swimming pool provision from each new person. The Cambridge swimming contributions per dwelling size are also set out below.

Cambridge Swimming Contributions Per Dwelling Size

| Dwelling size | Cost by dwelling size (£) |
|---------------|---------------------------|
| 1 bed | 290.28 |
| 2 bed | 486.16 |
| 3 bed | 667.88 |
| 4 bed+ | 769.36 |

- Paragraph 15.12** states that projects will be identified in consultation with service providers. It is therefore unclear how a blanket payment per person or per dwelling correlates to funding a specific project. A contribution should be directly linked and calculated for a specific project as per the Regulation 122 tests.

Chapter 20: Planning Obligations to support Affordable Workspace

- Paragraph 20.11** states that *“the provision of an element of affordable employment space will be most suited to large commercial schemes, and as a minimum over 10,000m², in use classes E(g), B2 and B8. In London typical agreements have secured 10% of space within qualifying schemes.”*
- It is not clear what is actually being asked for. A comparison to London is provided but London is a different market place with different rent levels, supply and demand. There does not appear to be a local policy basis to ask for a contribution in relation to affordable workspace and therefore U+I

(Cambridge) Limited and Cambridge 4 LLP question if the planning obligation meets the Regulation 122 tests.

Chapter 23: Other Potential Development Specific Requirements

- The second paragraph (no numbering in this chapter) provides a list of additional potential planning obligations that may be applicable, depending on the individual circumstances and constraints of the development site and the nature of the proposed development. The obligations relate to a broad range of issues including air quality, noise, SuDS and flooding, alternative provision for community or sports uses, historic environment mitigation measures, sustainable show homes and digital infrastructure.
- The list appears to contain a broad list of requirements as a “catch-all” at the end of the document. Although policy references are listed alongside the potential obligations, the policy wording is also vague. Planning obligations should fall within Section 106 of the Town and Country Planning Act (1990) and should be specific requiring the land to be used in specific way or restricting the development or use of the land in a specific way. The inclusion of general obligations in this chapter should therefore be reviewed.

Summary and Conclusion

U+I (Cambridge) Limited and Cambridge 4 LLP support the GCSPS in bringing forward a Planning Obligations SPD to provide greater transparency into potential planning obligations that could be necessary to mitigate new development and contribute towards meeting local infrastructure needs. However, as set out above, U+I (Cambridge) Limited and Cambridge 4 LLP have specific comments on a number of the proposed obligations in relation to necessity and ensuring the obligations are supported by up-to-date evidence and tested for viability.

We also understand that there will be forthcoming PPG changes on viability and therefore question what process there will be for refreshing the document in line with changes to the PPG, given this consultation will already have been undertaken?

We trust the above is clear and would be grateful if you could confirm receipt of these representations and keep us informed of the progress of the Planning Obligations SPD.

Yours faithfully



Jenny Turner
Associate Partner
For and on behalf of Carter Jonas LLP

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