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Cambridge City Council

COMMUNITY SERVICES SCRUTINY COMMITTEE

To: Scrutiny Committee Members: Sinnott (Chair), Ratcliffe (Vice-Chair), Abbott, Austin, Barnett, Bird, Gillespie and O'Connell

Alternates: Councillors R. Moore and Nethsingha

Executive Councillors: Johnson (Executive Councillor for Communities) and O'Reilly (Executive Councillor for City Centre and Public Places)

Despatched: Monday, 20 June 2016

Date: Thursday, 30 June 2016

Time: 2.30 pm

Venue: Committee Room 1 & 2, The Guildhall, Market Square, Cambridge, CB2 3QJ

Contact: James Goddard

Direct Dial: 01223 457013

AGENDA

12 Use of Generic S106 Developer Contributions (*Pages 5 - 24*)

13 Interim Approach to Specific S106 Contributions: Follow-up Report (*Pages 25 - 46*)

Information for the Public

Location The meeting is in the Guildhall on the Market Square (CB2 3QJ).

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To: Executive Councillor for Communities:
Councillor Richard Johnson

Report by: Director of Environment

Relevant scrutiny committee: Community Services
Scrutiny Committee 30/6/2016

Wards affected: All

USE OF GENERIC S106 CONTRIBUTIONS (COMMUNITIES)

Key Decision

1. INTRODUCTION

- 1.1 The Council makes decisions on how to use generic S106 developer contributions through annual S106 priority-setting rounds. There have been four rounds since 2012/13, with another planned for later in 2016/17. Many S106 priority projects have been completed, mitigating the impact of development and benefitting local communities.
- 1.2 Plans for a June 2016 update to the Executive Councillor for Communities¹ have been highlighted in previous S106 reports to this Committee in October 2015 and March 2016 in order to:
- a. take stock of progress on major sports and community facilities projects still under development which were allocated S106 funding in earlier S106 priority-setting rounds (see section 4); and
 - b. assess whether any further proposals for strategic/city-wide outdoor and indoor sports projects, submitted for the 2015/16 round, are ready to be considered yet (see section 5).
- 1.3 In summary, it has taken longer than expected for the S106 grant-based projects still under development to reach the business case appraisal stage. The council needs to impress upon all the grant applicants the need for greater urgency and progress. Meanwhile, none of the outstanding 2015/16 strategic/city-wide sports project proposals are ready to be considered for S106 funding yet. Applicants would be welcome to apply again during the 2016/17 S106 priority-setting round.

1. There is no S106 report to the Executive Councillor for City Centre & Public Places on this agenda as key issues were addressed in reports last March.

2. RECOMMENDATIONS

The Executive Councillor for Communities is recommended to:

- 2.1 instruct officers to notify the grant applicants for these long-standing S106 projects still under development that the current S106 funding allocations may be cancelled in early 2017 unless good progress (paragraph 4.7 refers) is made by the end of 2016. These projects are:
 - a. changing facility improvements at Cambridge Rugby Club;
 - b. visitor changing facility improvements at King's College School (with access for other schools and clubs to King's College School's indoor and outdoor sports facilities);
 - c. improved community facilities at East Barnwell Community Centre;
 - d. community meeting room provision at Milton Road Library.
- 2.2 refocus the £250,000 S106 allocations for demolishing and rebuilding the Rouse Ball Pavilion so that the project could encompass proposals to develop new pavilion facilities within or next to Jesus Green Pool;
- 2.3 confirm that no further proposals from the 2015/16 bidding round for strategic outdoor sports projects or city-wide indoor sports facilities will be recommended for funding: fresh applications can be considered as part of the 2016/17 S106 priority-setting round.
- 2.4 note that several specific S106 contributions agreed prior to April 2015 have now been received and, as a result, the following projects are now on the council's 'projects under development' (PUD) list:
 - a. community facility improvements at The Junction;
 - b. outdoor sports improvements at Chesterton Recreation Ground;
 - c. indoor sports facility improvements at Netherhall School.

3. BACKGROUND: S106 FUNDING AND PRIORITY-SETTING

- 3.1 New development creates extra demands on local facilities. The council asks developers to pay S106 contributions to mitigate that impact. This helps to fund new/improved facilities across Cambridge. Since 2012/13, the council has run annual priority-setting rounds to decide how to use available generic² S106 contributions.
- 3.2 Alongside the separate S106 devolved decision-making process, the Executive Councillor for Communities decides on the use of community facilities and outdoor sports S106 contributions in the

2. Before 6/4/2015, most S106 agreements were based on generic contributions ("for the provision of, improvement of, or better access to" broad contribution types "within the city of Cambridge"). The council can no longer seek generic contributions, but has a S106 interim approach (see the next report in these agenda papers).

strategic fund and indoor sports contributions in the city-wide fund³. A summary of the assessment process (to make sure that project implementation arrangements are robust) can be found in Appendix A.

- 3.3 The S106 projects allocated strategic/city-wide community facilities and indoor/outdoor sports S106 funding since 2012/13 are listed in Appendix B. Of the 17 projects:
 - a. nine have been completed, including two from the 2015/16 round;
 - b. two more are expected to be completed in the next few months;
 - c. three from the 2015/16 round are on the projects under development (PUD) list, which is to be expected; but
 - d. three from 2012/13 and 2013/14 are still on the PUD list and have not yet progressed to business case appraisal (i.e., rebuilding the Rouse Ball pavilion on Jesus Green and grants for changing facilities at Cambridge Rugby Club and King's College School.

- 3.4 In the 2015/16 priority-setting round, the Executive Councillor has allocated £490,000 of strategic/city-wide S106 funding across five projects (again, see Appendix B), subject to business case approval and community use agreement. This is significant because it:
 - a. makes use of a small number of unallocated S106 contributions with expiry dates within the next few years;
 - b. enables reassignment of time-limited contributions previously allocated to projects still under development, so that they can be used on time⁴; and
 - c. provides more room for manoeuvre in case projects currently allocated S106 funding are unable to come to fruition in future.

- 3.5 Arrangements for the 2016/17 S106 priority-setting round are now due to be reported to this Committee in October⁵. This will enable the on-going review of public involvement in formal decision-making to be reported to the Civic Affairs Committee in September 2016 first – in case this highlights any issues for S106 priority-setting and devolved decision-making that need to be taken into account.

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3. The strategic S106 funds for community facilities and outdoor sports are based on half the off-site generic contributions from major developments (10 or more homes). These are for project proposals which could benefit more than one area of the city. Meanwhile, all indoor sports contributions received are held in a city-wide fund.
 4. The long-standing projects still under development still have appropriate S106 contributions attached to them: in some cases, they have been assigned more recently received generic S106 contribution.
 5. The S106 report in October 2016 will be a report to the Executive Councillor for City Centre and Public Places, who oversees the overall arrangements for S106 priority-setting. It will include an overview of generic S106 funding availability, which is tapering off and running down overall.

4. REVIEW OF S106 PROJECTS STILL UNDER DEVELOPMENT

- 4.1 The October 2015 S106 (Communities) report include an update on the three strategic/city-wide projects mentioned in paragraph 3.3d. It also covered two local, grant-based projects, prioritised in 2013/14, which had not progressed to the business case stage either: these two local projects for improving community facilities at East Barnwell Community Centre and Milton Road Library warrant the Executive Councillor's attention, given the nature of the delay and the amount of the S106 funding allocations (£255,000 and £100,000 respectively). The background to all five projects is summarised in Appendix C.

Strategic/city-wide, grant-based sports projects

- 4.2 ***Cambridge Rugby Club's changing facilities project:*** A change of leadership at the club since last autumn's update means that the preparations made have not been as envisaged then, but nonetheless there is progress. Officers have met the rugby club's new project team and have made clear what is expected by the end of the year.
- a. There is a clear determination from the rugby club that the changing facility improvements will happen. Revised design proposals have been developed. The project team plans that the first phase of the project will commence in spring 2017.
 - b. Discussions over funding bids to the Rugby Football Union (for a loan and a grant) seem to be positive. The Rugby Club awaits a formal announcement from the RFU about the value of the loan and still needs to apply for the grant.
 - c. The club also needs to organise its own fund-raising amongst its membership in order to generate the significant amount of finance needed. Confirmation that fund-raising totals have been achieved (particularly for the first phase of development) and details of the revised project designs and phasing programme will need to be received before the business case for the grant can be signed off by the council's Capital Programme Board.
 - d. The current planning approval expires in October 2017.
- 4.3 ***King's College School's visitor changing facilities project:*** Officers have learned (although, disappointingly, not directly from the grant applicant) that the proposed nature of the sports facilities to be made available to local clubs and schools through the council's S106 funding support has changed significantly. The applicant has not kept officers informed in a timely manner and this raises doubts.
- a. Planning permission (15/1309/FUL) for a reduced scheme (no longer including a swimming pool in the first phase) was secured last October. This has reduced the footprint of the development by

a quarter by deleting the swimming pool (and its associated changing and plant rooms), rationalising circulation space and reducing the size of the gym/studio.

- b. The applicant points out that this has allowed an increase in the size of the sports hall (to four badminton courts) “which increases the possibilities for external use and is why the visitor changing facilities are so vital. Phase 1 plans have been developed to allow a second phase of development, including an indoor swimming pool - although this would be subject to planning approval.”
- c. The applicant has recently informed the council that it still has to raise £900,000 for the scheme. Subject to this funding being forthcoming, it plans to start the building works in April 2017⁶.
- d. Before this project could proceed to the consideration of the business case, officers would need the applicant to address the issues set out in paragraph 4.7 below. This includes the need for confirmation from the applicant about how the new phasing plans scheme would have implications for community access.
- e. Given the changes to the nature of the project, officers are minded to report back to both this Scrutiny Committee and West/Central Area Committee (which has allocated £50,000 of devolved outdoor sports funding to this project) to seek their views about the acceptability of this project and the community use agreement.

Local, grant-based community facilities

- 4.4 ***Provision of community room at Milton Road Library:*** The county council’s preparations have progressed, addressing the requirements for further information raised by the city council last September.
 - a. It has produced design details, including a dedicated 62m² community meeting space with its own external access, as part of the wider plans for the development of Milton Road library.
 - b. Public consultation and meetings with the Friends of Milton Road Library and Ascham Road Residents were held in early 2016.
 - c. The county council submitted a planning application earlier this month. If approved, the county council envisages a 12-month construction period from early 2017.

- 4.5 ***Additional youth/community space at East Barnwell:*** The county council’s plans for this project are less developed following clearly specified requests for further information by June 2016. This is disappointing.

6. Earlier contact by the grant applicant with council officers in April 2016 had suggested that construction might commence in February 2017.

- a. Detailed design proposals have been promised, with assurances that additional community meeting space will be provided⁷.
- b. Strategy meetings with community groups and local councillors have taken place over the last year, but there has not yet been fresh consultation with local people more widely.
- c. A (now covered) multi-use games area is proposed, to be available after school for youth groups at discounted rates: the county council does not currently intend to seek S106 funding for this.
- d. The county council plans to appoint a planning consultant in June 2016 to develop the project (including further public consultation and site surveys) with a detailed planning application by February 2017. Assuming that planning approval is secured, it anticipates an 18-month construction period from autumn 2017.

Conclusions from the review of the grant based projects

- 4.6 It is understandable that such large and complex construction projects take time to develop, but the council has a responsibility to make sure that the S106 funding is used effectively and in a timely way. Whilst wanting to give all of these projects full opportunity to succeed, the point will soon be reached where the council will need to reconsider its S106 grant-funding allocations to these projects if there are not clear signs of progress soon. This is reflected in recommendation 2.1⁸.
- 4.7 Here are some examples of what “good progress by the end of 2016” might look like from the city council’s perspective⁹.
- a. There is a clear project brief and design. Any significant changes to the project since S106 funding was originally allocated have been discussed and worked through with the city council.
 - b. There is clarity about how the S106 funding would be used in line with S106 eligibility criteria.
 - c. There is evidence that the project helps to mitigate the impact of development and meets the needs of local people.
 - d. Local public consultation shows broad support for the latest proposals and any concerns are reasonably addressed.

7. The county council is proceeding with plans for East Barnwell Community Centre on its own, but has made clear that the neighbouring church could join the project later.

8. The Milton Road Library community meeting space and East Barnwell Community Centre projects were prioritised by the North and East Area Committees, based on their devolved S106 funding allocations. Any reconsideration of devolved S106 funding allocations would need to be made by those area committees.

9. This is a progression of the requirements raised with the county council last autumn for the East Barnwell Community Centre and Milton Road Library projects.

- e. Planning permission for any building works involved is in place or expected soon.
- f. The grant applicant is able to show that all the funding needed to undertake the project is now in place or that it will be in place soon following a concerted fund-raising campaign.
- g. The grant applicant can demonstrate why s106 funding is still needed. This is particularly important:
 - (i) if the project will generate extra income for the grant applicant (eg, through property sales) and/or
 - (ii) if the grant applicant is already expected to provide community access to its facilities¹⁰. Evidence of sufficient existing community access will be needed alongside examples of how the new facilities will provide even greater community access.
- h. Discussions on the details of the community use agreement for the project is at an advanced stage and to the council's satisfaction.
- i. There is a clear project implementation plan so that the project can commence during 2017 or as soon as possible thereafter.
- j. The grant applicant keeps council officers regularly updated on progress and any significant changes of course or issues encountered throughout the rest of the project's development.

4.8 It is hoped that each of these grant applicants will be able to show good progress by the end of 2016. If this is not possible, it will be important for the city council in early 2017 to make the S106 funding available to other projects¹¹ which could make effective use of it.

Demolish and rebuild the Rouse Ball pavilion on Jesus Green:

4.9 The background details for this project can be found in Appendix C. Since £250,000 of S106 funding was allocated in 2013/14, it has been recognised that this is a long-term project¹² and that it would take time to clarify purposes, prepare designs and find the considerable amounts of additional funding needed from other sources.

4.10 A number of factors which will have a bearing on the way forward are still outstanding. These include:

- a. the on-going consideration for a swimming pool to be developed at the University's West Cambridge Sports Centre and the

10. For example, private schools with charitable status.

11. Possibly, as part of the next 2016/17 priority-setting round.

12. The S106 contributions allocated to this project are regularly reviewed and refreshed, so that there are no immediate time pressures. The nearest S106 expiry dates for the contributions currently allocated to this project are not until 2022.

implications for the council's strategic approach for swimming pool provision in Cambridge as a whole; and

- b. the review of public conveniences in Cambridge (including those at the existing Rouse Ball pavilion), which is due to reported to the Strategy and Resources Scrutiny Committee in October 2016.

- 4.11 Over the last few years, discussions with the Jesus Green Association and the Friends of Jesus Green Pool have helped to put the proposals for pavilion improvements in the context of the wider uses of Jesus Green and the Pool in particular. The thinking seems to have moved more towards developing pavilion facilities within the curtilage of the Pool rather than necessarily rebuilding the existing pavilion on its current site. The recommendation in paragraph 2.2 addresses this.
- 4.12 At this stage, it would be premature to revise the amount of S106 funding allocated to this project yet. The next steps are to develop, consult and agree upon the key features and purposes of pavilion facilities at Jesus Green Pool, to work up design proposals and to explore project costs. Further funding would be needed from a range of sources and partners including GLL (Greenwich Leisure Limited) and national lottery funds, along with the possibility of seeking more S106 funding allocations¹³.
- 4.13 Having raised these possibilities, it is important to recognise that the overall project costs for the development of facilities at Jesus Green Pool could far exceed the current £250,000 S106 allocations. It remains to be seen whether/how much others sources of funding will become available. There can still be no guarantees that the development of pavilion facilities at Jesus Green will be able to go ahead, but it is worth exploring. Future S106 reports to this Committee will continue to review the allocation of S106 funding for this project.

5. OPPORTUNITIES FOR FURTHER S106 FUNDING ALLOCATIONS

- 5.1 Beyond the S106 strategic/city-wide projects prioritised in 2015/16, the S106 (Communities) reports last October and March concluded that other sports proposals should not be considered until the findings from audits were available. Playing Pitches and Indoor Sports strategies were reported to the Development Plan Scrutiny Sub-Committee on 2 June¹⁴: they highlight the need for more 3G pitches, hockey provision (subject to planning permission) and indoor sports facilities.

13. It will also be important to assess whether the current allocations (£125,000 strategic community facilities S106 funding and £125,000 strategic outdoor sports S106 funding) are still consistent with any re-clarification of the purposes of the project.

14. A summary of the main findings of the Playing Pitches and Indoor Sports strategies can be found (under Appendices C and D) in the next report on this agenda relating to the S106 interim approach.

- 5.2 Appendix D, below, provides an update on these outdoor and indoor sports proposals. Whilst none are sufficiently advanced yet to be ready for consideration of S106 funding, they seem to be progressing. This is reflected in the recommendation in paragraph 2.3.

Specific S106 contributions (prior to the S106 interim approach)

- 5.3 Alongside the generic S106 funding, a few specific S106 contributions¹⁵ agreed a number of years ago (prior to the S106 interim approach) have now been received:
- a. £97,947 to provide/improve community facilities at The Junction¹⁶.
 - b. £177,878 towards a new clubroom, or changing facilities, or pitch improvements (or any combination of these) on the Chesterton Recreation Ground¹⁷; and
 - c. £168,871 towards the indoor sports facilities in the vicinity of the Bell School development¹⁸. A report to the Joint Development Control Committee in June 2008 clarified that this was intended for the improvement/extension to the existing sports hall facility at Netherhall School, including plans to provide a large community health and fitness gym and an indoor facility for martial arts.
- 5.4 These projects are now being included on the 'projects under development' (PUD) list of the council's capital programme. This is reflected in the recommendation in paragraph 2.4. Business case appraisals will be developed and considered by the council's Capital Programme Board in due course.

6. IMPLICATIONS

- 6.1 **Financial implications:** The report's recommendations present no new financial implications, which are not already funded. The projects mentioned in section 4, which are still under development still have the agreed S106 funding allocated to them. This will remain in place unless decisions are made by the relevant Executive Councillor or area committee to change these funding levels. The project proposals mentioned in section 5 has not been allocated S106 funding.
- 6.2 **Staffing implications:** There are no specific implications from this report, beyond on-going dialogue with grant applicants and monitoring S106 funding and project allocations within existing resources.

15. These are not subject to S106 priority-setting. This does not affect that availability of generic S106 funding in the devolved and strategic/city-wide S106 funds.

16. From the CB1 Station Area redevelopment (planning ref: 08/0266/OUT).

17. From Cambridge City FC's ground redevelopment, Milton Road (ref: 14/0790/FUL).

18. From the Bell School development on the Southern Fringe (ref: 06/0795/OUT).

- 6.3 **Other implications:** There are no specific implications from this report relating to equality and anti-poverty strategies, environmental implications, procurement matters, community safety issues or consultation.

7. BACKGROUND PAPERS

7.1 These background papers have been used in preparing this report:

- “S106 priority-setting round 2015/16: follow-up”, report to Community Services Scrutiny Committee, 17/3/2016
- “S106 priority-setting round 2015/16: proposals for strategic/city-wide projects (Communities portfolio), report to Community Services Scrutiny Committee, 8/10/2015
- “Cambridge and South Cambridgeshire Playing Pitch Strategy” report to Development Plan Scrutiny Sub-Committee, 2/6/2016;
- “Cambridge & South Cambs Indoor Sports Facility Strategy” report to Development Plan Scrutiny Sub-Committee, 2/6/2016;
- “Bell School outline planning application (06/0795/OUT)” report to the Joint Development Control Committee, 11/6/2008.

7.2 For more details about the council’s approach to S106 funding, see the Developer Contributions web page (www.cambridge.gov.uk/s106).

7.3 Planning applications can be viewed via the council’s Public Access page at (<https://idox.cambridge.gov.uk/online-applications/>)

8. APPENDICES

- A. Assessment of S106 project proposals
- B. Strategic/city-wide sports and community facilities projects allocated S106 funding via S106 priority-setting rounds
- C. Background to outstanding S106 projects still under development
- D. Update on 2015/16 S106 outdoor & indoor sports project proposals

9. INSPECTION OF PAPERS:

To inspect the background papers or if you have a query on the report please contact:

Author’s name: Tim Wetherfield, Urban Growth Project Manager
Author’s phone:: 01223 – 457313
Author’s email: tim.wetherfield@cambridge.gov.uk

All proposals are checked carefully to ensure that they are eligible for S106 funding, feasible and ready to be considered. Following priority-setting¹⁹, there are more detailed checks before projects can be implemented. The process has developed from round to round and will be strengthened further ahead of the 2016/17 round. Here are the current arrangements.

- A1. Since 2014/15, local residents and community groups seeking S106 funding for particular projects have been asked to fill in a standard application form. Applicants seeking grants are required to outline their project, why it is needed, how local communities would benefit, how much it would cost, why a grant is needed, how preparations for the project are progressing²⁰, how risks are being managed and when the project is expected to commence and be completed. Officers from Community Services meet grant applicants to find out more.
- A2. These applications for S106 funding are assessed against the council's S106 eligibility criteria, which require proposals to be: specific; within the city of Cambridge; about providing additional benefit²¹; accessible to the wider community; and both affordable and in need of funding²².
- A3. Through the S106 priority-setting rounds, local projects are prioritised by the area committee using devolved S106 funding allocations²³ and strategic/city-wide projects are prioritised by the relevant executive councillor. All prioritised projects over £15,000 are subject to business case approval and community use agreement (as appropriate).
- A4. All business cases are considered by the Capital Programme Board, chaired by the Head of Finance, to check that implementation plans are robust and comply with corporate policies (e.g., procurement, equal opportunities consultation) and that S106 contributions allocated to projects (in their developed form) are still appropriate.

19. The allocation of S106 funding to projects is subject to business case approval, community use agreement and grant agreements, as appropriate.

20. This includes details about project management arrangements, consultation, land ownership, project design, planning applications and fund-raising.

21. These are not for repairs, maintenance, like-for-like replacements or running costs.

22. The eligibility criteria require grant applicants to confirm that they need the S106 funding sought – ie, that they do not already have sufficient funding for the project.

23. The generic devolved S106 funds relate to the community facilities, informal open space, outdoor sports and provision for children and teenagers (play areas). The devolved funds are based on all contributions in the Area from minor developments and half the contributions in the area from major developments.

23. The Exec. Councillor for Communities allocates strategic/city-wide S106 funds for community facilities, indoor sports & outdoor sports. The Exec. Councillor for City Centre and Public Places determines the use of strategic/city-wide S106 funds for informal open space, play provision for children & teens, public art and public realm.

STRATEGIC/CITY-WIDE SPORTS & COMMUNITY FACILITIES PROJECTS FUNDED VIA S106 PRIORITY-SETTING ROUNDS

Key: OS = Outdoor sports; IS = indoor sports; CF = community facilities
PUD = on the council's "projects under development" list

Project	£ S106	Type	Round	Status
Community facilities grant for improvements to St Andrew's Hall (PR034G)	£140k	CF	2012/13	Complete
Community facilities grant for refurbishment of Cherry Trees Centre (PR034H) ²⁴	£44k	CF	2012/13	Complete
Community facilities grant for improvements to Centre@St Paul's – phase 3 (PR034I)	£50k	CF	2012/13	Complete
Rouse Ball Pavilion rebuilding (PR034J)	£125k £125k	OS CF	2012/13 ²⁵	PUD
Grant for cricket nets (for community use) at Netherhall School (PR034K)	£25k	OS	2013/14	Complete
Grant to Parkside Pool for new starting blocks	£19k	IS	2013/14	Complete
Grant to King's College School for visitor changing facilities (PR034M) ²⁶	£75k	IS	2014/15	PUD
Grant for Cambridge Rugby Club changing facilities (PR034R)	£200k	OS	2014/15	PUD
Supplementary grant ²⁷ for Netherhall School community gym facilities (PR034O)	£64k	IS	2014/15	Complete

24. The East Area Committee contributed £36,000 of devolved S106 funding to the Cherry Trees Day Centre refurbishment too.

25. The initial funding allocation in January 2013 was increased in October 2013.

26. Alongside the allocation of £75,000 city-wide indoor sports S106 funding, the West/Central Area has also allocated £50,000 of devolved outdoor sports funding.

27. This supplementary grant to Netherhall School (for its Blue Gym) is in addition to the specific S106 contributions for indoor sports contributions at the school, which is referred to in paragraph 5.3 of this report.

Project	£ S106	Type	Round	Status
Grant for kitchen upgrade at Cambridge 99 rowing club (PR034P)	£5k	OS	2014/15	Under way
Grant for storage improvements at Cambridge Canoe Club ²⁸ (PR034Q)	£10k	OS	2014/15	Under way
Grant to Cambridge Gymnastics Academy for warehouse conversion into new gym facility (PR034N)	£65k	IS	2014/15	Complete
Grant to Cambridge Gymnastics Academy for trampoline/foam pit as part of new gym facility (PR041B)	£75k	IS	2015/16	Complete
Grant for Kelsey Kerridge changing facilities & new health suite (PR041C)	£40k	IS	2015/16	Complete
Grant for refurbishment of Memorial Hall and church hall on Cherry Hinton Road (PR041A) ²⁹	£100k	CF	2015/16	PUD
Grant for Camrowers/CRA ³⁰ community boathouse (PR041D)	£250k	OS	2015/16 (Mar 16)	PUD
Equipping new community centre on Darwin Green development (PR041E)	£25k	CF	2015/16 (Mar 16)	PUD

28. The Canoe Club has received a temporary, five-year planning permission for this storage. The £10,000 grant has been approved as appropriate spend given that it equates to just £2,000 per year.

29. The £100,000 of strategic, community facilities S106 funding has been supplemented during the 2015/16 priority-setting round by £25,000 of devolved S106 allocations each from the South and East Area Committees.

30. CRA stands for the Cambridgeshire Rowing Association.

BACKGROUND ON OUTSTANDING S106 PROJECTS STILL UNDER DEVELOPMENT

		Paragraphs
C1	Grant to Cambridge Rugby Club for changing facilities	4.2
C2	Grant to King's College School for changing facilities	4.3
C3	Grant to Cambridgeshire County Council for Milton Road Library community room	4.4
C4	Grant to Cambridgeshire County Council for East Barnwell Community Centre	4.5
C5	Demolish and rebuild the Rouse Ball Pavilion on Jesus Green	4.9-4.13

C1 Grant to Cambridge Rugby Club for changing facilities

Original proposal in 2014/15: summary	<p>The proposal aims to refurbish the existing club room and create separate male and female changing rooms, a physiotherapy and medical room and a gymnasium.</p> <p>Estimated overall costs: £750,000.</p> <p>Preparations already in place:</p> <ul style="list-style-type: none"> • the club has set up a committee to oversee the project; • the site is owned by the club; • full project design plans have already been produced; • planning approval has already been obtained; • some club funds had already been allocated to the project. <p>Other major fun-raising campaigns are due to be launched.</p> <p>Anticipated start: April 16. Anticipated delivery: Sept 16</p>
Decision:	<p>Up to £200,000 (outdoor sports, strategic) provisionally allocated by the Executive Councillor in January 2015. This is conditional on the club being able to provide satisfactory assurances by October 2015 that it could enter into a contract by October 2017 for construction of the changing facilities.</p>
October 2015 update	<p>The Rugby Club says it will be in a position to launch a fund-raising campaign amongst its membership in early 2016 and will put forward funding bids to sports governing bodies. It will take stock next spring whether the project will be able to go ahead (ahead of the June 16 report to this Committee). If it can, it is expected that the building works would take place before the start of the 2017/18 season. If it cannot go ahead on time, the contributions will be reassigned to other projects.</p>

C2 Grant to King's College School for changing facilities

Original proposal in 2014/15: summary	<p>King's College School is planning to build a new Sports Centre comprising a 25 metre, 5-lane indoor pool; a sports hall suitable for a variety of indoor sports and large enough for three badminton courts; an aerobics studio suitable for judo, fencing, dance and yoga; and a climbing wall. The School would like to invite local primary schools, people with disabilities, local community and sports groups to use the new sports centre and its existing outdoor facilities.</p> <p>Estimated overall project costs: £12 million (£6.5 million in place)</p> <p>Preparations already in place:</p> <ul style="list-style-type: none">• a project manager has been appointed;• parents of school-children and the local community have been consulted over the planning application;• the school owns the land;• project designs have been completed;• planning permission has been secured;• over half the funding needed has already been raised and further fund-raising was on-going. <p>Anticipated start: July 2015 Anticipated delivery: August 2016</p>
Decision:	<p>£75,000 indoor sports S106 (city-wide) funding allocated by the Executive Councillor in January 2015, plus £50,000 of devolved outdoor sports S106 funding allocated by the West/Central Area Committee,</p> <p>Both amounts subject to community use agreement.</p>
October 2015 update	<p>Officers are awaiting confirmation from successful grant applicants that they are ready to move forward with their proposals (having developed their plans, applied for planning permission and secured other funding needed).</p> <p>Once this happens, community use agreements can then be taken forward (including a report back to this Committee on the King's College School agreement).</p>

C3	Grant to Cambridgeshire County Council for Milton Road Library community room
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Project	Milton Road library community room
Original proposal in 2013/14: summary	<p>As part of library demolition/re-build (with flats above), the aim is to provide around 60m² of dedicated community space with a kitchenette. A much bigger area (250-300 m²) could be available outside library opening hours to host larger community activities.</p> <p>Outline plans are being developed. The county council is involving local residents, community groups, young people and schools. Pre-application discussions are under way. It is hoped that a planning application will be submitted in summer 2014.</p> <p>Anticipated start: End 2014. Anticipated completion: By end 2015</p>
Decision	£100,000 allocated in February 2014 by North Area Committee, subject to a report back on progress. ³¹
October 2015 update	<p>In July 2015, the county council decided not to proceed with its existing plans. The city council expressed its disappointment and reiterated its keenness to work jointly to find a way forward. S106 funding allocations are being retained on hold until June 2016.</p> <p>This will provide the county council time to bring forward a revised scheme that both meet the needs of local people and are acceptable to the city council. If this is not brought forward in this time or is not acceptable to the city council, then reallocation of those allocated S106 funds may need to be reconsidered. In terms of progress by June 2016, the city council would expect to see:</p> <ul style="list-style-type: none"> • a design brief and details of how the S106 funding would be used; • consultation has been undertaken with local people; • indicative planning advice has been undertaken; • evidence that the s106 funding is still required in respect of the financial make-up of the scheme; • evidence that the s106 contribution requested provides the expected additionality; • evidence that the scheme meets the needs of local people; • a clear project plan and timeframe.

31. This report back was considered by the North Area Committee in February 2015.

C4	Grant to Cambridgeshire County Council for East Barnwell Community Centre
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Project	East Barnwell Community Centre
Original proposal in 2013/14: summary:	<p>The county council's aim is to transform the centre into a thriving community hub. This would co-locate public services (eg, library and the Children & Young People's service locality team) alongside improving/ expanding SeeSaw pre-school. The go-ahead has been given to develop plans for a mixed use scheme, partnering with a developer to deliver limited housing and basic community facilities. S106 funding would enable up to 100m² of dedicated youth space / additional community space. A county council Cabinet decision on the project is due in December 2013.</p> <p>Anticipated start and completion: Not yet known</p>
Decision	£255,000 allocated in November 2013 by East Area Committee (amendment to officer recommendation)
October 2015 update	<p>In July 2015, the county council decided not to proceed with its existing plans. The city council expressed its disappointment and reiterated its keenness to work jointly to find a way forward. S106 funding allocations are being retained on hold until June 2016.</p> <p>This will provide the county council time to bring forward a revised scheme that both meet the needs of local people and are acceptable to the city council. If this is not brought forward in this time or is not acceptable to the city council, then reallocation of those allocated S106 funds may need to be reconsidered. In terms of progress by June 2016, the city council would expect to see:</p> <ul style="list-style-type: none"> • a design brief and details of how the S106 funding would be used; • consultation has been undertaken with local people; • indicative planning advice has been undertaken; • evidence that the s106 funding is still required in respect of the financial make-up of the scheme; • evidence that the s106 contribution requested provides the expected additionality; • evidence that the scheme meets the needs of local people; • a clear project plan and timeframe.

C5 Demolish and rebuild the Rouse Ball Pavilion on Jesus Green

Original proposal in 2012/13: summary	<p>This would involve replacing the existing pavilion with an expanded and more sustainable building (in a similar style) that could encompass sports changing rooms, public toilets, a community hub / community meeting space and a café. This would benefit visitors to the park from across the city.</p> <p>b. A business plan for this project, which was prepared for an earlier (unsuccessful) bid for lottery funding, put the overall costs of this project above £500,000. This will need to be refreshed alongside the development of detailed proposals.</p> <p>c. This project is one for the longer-term. It is hoped that the proposed allocation will signal the council's commitment as it seeks to secure other funding from partners and other external sources.</p> <p>Estimated overall project costs: over £500,000</p>
Decision:	£250,000 S106 funding allocated (half strategic outdoor sports S106 funding, half strategic community facilities S106 funding) allocated by the relevant Executive Councillors in January and October 2013.
October 2015 update	The use of the existing £250k funding allocation is being considered alongside plans for wider uses of Jesus Green, in particular the outdoor swimming pool. This is also set in the context of on-going discussion about proposals for future swimming pool provision in the city and how funding for those purposes should be allocated.

UPDATE ON 2015/16 S106 OUTDOOR AND INDOOR SPORTS PROJECT PROPOSALS

Appendix D

Grant applicant	Project proposal	S106 bid	Update (June 2016)
Outdoor sport			
Long Road Sixth Form College	Grant towards 3G pitch	£200,000	Developing designs/plans and still in discussion with external funding sources.
St Mary's School	Grant towards floodlit courts and pavilion extension	£426,000	Developing designs/plans and still in discussion with external funding sources.
University of Cambridge	Grant towards hockey pitches & changing facilities at Wilberforce Rd sports ground	£250,000	Developing designs/plans and still in discussion with external funding sources.
Indoor sport			
Stephen Perse Foundation	Indoor sports complex	£350,000	Planning approval for the sports hall was secured in November 2015. The complex is now being built. There have been no further enquiries from Stephen Perse Foundation about seeking S106 funding.
Cambridge Sports Hall Trust	Conversion of studio space at Kelsey Kerridge Sports Centre	£180,000	The Sports Hall Trust is working up some smaller-scale projects which it may wish to take forward (possibly via the 2016/17 priority-setting round) ahead of the studio space conversion project.
Netherhall School and Sixth Form	Inclusive fitness equipment within new community fitness suite	£22,000	The school is currently developing its plans for the sports facilities project using the specific Bell School S106 contributions (see paragraph 5.3c). This follow-up bid can be considered once the detailed arrangements for that larger project are in place.

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To: Executive Councillor for Communities:
Councillor Richard Johnson

Report by: Director of Environment

Relevant scrutiny committee: Community Services
Scrutiny Committee 30/6/2016

Wards affected: All

INTERIM APPROACH TO SPECIFIC S106 FUNDING: FOLLOW-UP

Key Decision

1. INTRODUCTION

- 1.1 The council has, for many years, collected S106 contributions to help to mitigate the impact of new development in the city. These used to be based on generic infrastructure types, but a significant change to the regulations governing S106 funding came into effect from April 2015. The impact of these restrictions has been felt across local government – and particularly by those councils (like Cambridge) not yet in a position to introduce the Community Infrastructure Levy.
- a. S106 contributions now have to be for specific projects (stipulated in S106 agreements) related to nearby developments.
 - b. No more than five specific contributions can be agreed for the same project.
 - c. In addition, councils can now only seek S106 contributions from developments of more than 10 dwellings.
- 1.2 The council introduced an interim approach in June 2015, to seek as many S106 contributions as possible within these restrictions. This was reviewed and strengthened last March, although it is recognised that the scope for securing new contributions is now more limited.
- 1.3 Last March’s ‘taking stock’ report to the Executive Councillor for City Centre and Public Places identified ‘target lists’ of play areas and open spaces, which would be used as a starting point for seeking specific contributions in appropriate cases. The setting of similar target lists for outdoor and indoor sports and community facilities was deferred until now, to allow findings from recent facility audits to be reported.

2. RECOMMENDATIONS

The Executive Councillor for Communities is recommended to:

- 2.1 To continue to collect up to five S106 specific contributions for those that the council has already started to collect, as opportunities arise and in appropriate cases. See paragraph 4.2 and Appendix B.
- 2.2 To agree the ‘target list’ of outdoor and indoor facilities, arising from the recent audits, which will also be used as a starting point for negotiating specific contributions from nearby major developments. See paragraphs 4.5, 4.8 and Appendix E.
- 2.3 To agree that the provisional community facilities ‘target list’ should focus on community centres, houses and rooms owned or managed by the city council. See paragraphs 4.6 – 4.8 and Appendix F.
- 2.4 To instruct officers to look to add to the target list more community facilities owned/managed by others, provided that: (a) a clear need for specific contributions can be demonstrated and (b) that the relevant community groups accept the uncertainties and responsibilities attached to specific S106 contributions. See paragraph 4.9.

3. BACKGROUND

- 3.1 Context-setting information about S106 contributions and the council’s S106 interim approach, can be found in Appendix A.
- 3.2 Since last March’s report, improvements are being implemented to:
 - a. focus efforts on addressing the impacts of those proposed developments where there is more scope to secure S106 funding¹;
 - b. make it simpler to identify possible specific projects², based on supporting evidence, to mitigate the impact of development;
 - c. enable the Planning Committee to consider clearer proposals for specific contributions, on time, from more developments; and
 - d. provide more clarity up-front about possible projects for which S106 funds will be sought and more updates on progress.

-
1. The council’s approach has to take account of the Secretary of State’s successful appeal in May 2016 against an earlier ruling (August 2015) in case of Reading and West Berkshire Councils v the Department for Communities and Local Government. This means that councils can no longer seek contributions from minor developments or, indeed, major developments of 10 homes or less than 1000m².
 2. Recent audits of existing facilities have helped to identify ‘target lists’ of facilities that could be improved in order to mitigate the impact of new development. This involves co-ordination by the Developer Contributions Monitoring Unit in order to ease workload pressures on the council’s Communities Service and other services.

- 3.3. At the same time, last March's 'taking stock' report also sounded several notes of caution/realism about specific S106 contributions.
- a. It will not be possible to seek them from every major development in the city. Suitability will depend on the facilities situated within the vicinity of a proposed new development and whether an evidence-based case can be made for seeking specific contributions.
 - b. They may not generate sufficient funds for some projects (eg, those involving building construction or refurbishment) particularly in the context of the 'no more than five' constraint. The amount that can be secured from a development can vary widely depending on its scale (say, from a few thousand pounds upwards).
 - c. They may not be evenly spread across the city. This reflects the distribution of existing, publicly accessible facilities in Cambridge, their capacity to mitigate the impact of further development and the findings from recent facility audits.
 - d. They may be off-putting for some local groups seeking S106 funding for their improvement projects, given uncertainties over how much specific S106 funding might be actually forthcoming and when. Specific contributions only come to fruition if/when the development commences, and this may not happen for 2-3 years. This may be compounded if project funding is dependent on a number of developments which commence at different times. Would local groups be prepared to wait, particularly if they need to go ahead with a project before planning permission expires?
 - e. Specific contributions present a greater risk of having to be repaid if the intended projects do not go ahead – with generic S106 contributions (agreed prior to April 2015), there has been scope to reassign them to other appropriate projects.
- 3.4 Whilst recognising these difficulties and risks, specific S106 contributions still have the potential to make a positive difference to mitigating the impact of development in Cambridge. Since April 2015, the council has agreed over £775,000 of new, specific S106 contributions for sports and community facility improvements³ (see Appendix B). This includes three contributions (from separate developments) over £75,000 each.
- 3.5 The interim approach is about striking a balance between being careful and responsible about the specific S106 contributions that are sought, whilst not being so cautious that opportunities to fund much-needed facility improvements are missed.

3. Please note: not all these specific S106 contributions may come to fruition – for example, if the development is not commenced or if it is not possible to implement the projects specified in the S106 agreements.

4. DEVELOPING SPORTS & COMMUNITY FACILITY TARGET LISTS

- 4.1 Since April 2015, a key focus in implementing the S106 interim approach has been to develop up-to-date audits of existing facilities in the city, in order to be able to strengthen the evidence base for seeking specific S106 contributions.
- 4.2 In the meantime, Community Services have still been able to make a strong case for securing a number of specific S106 contributions (already mentioned in Appendix B). Paragraph 2.1 recommends that the council continues to collect up to five for those specific S106 contributions it has started to collect, *as opportunities arise and in appropriate cases*. This recognises, however, that sometimes it may not be appropriate to collect such contributions from nearby developments (eg, if the council has already agreed sufficient funding for the project or if the feasibility of a project has become less clear).
- 4.3 The findings from facility audits relating to the Executive Councillor's portfolio have been reported over the last month.
- a. Strategies for playing pitches and indoor sports were reported to the Development Plan Scrutiny Sub-Committee on 2 June. Both documents (developed jointly with South Cambridgeshire DC) are around 500 pages: see the key points in Appendices C and D.
 - b. Interim community facilities audit findings are included in the 'strategic review of community provision' report, elsewhere in these agenda papers.
- 4.4 Clearly, it is not possible for specific S106 contributions to fund the range of facility provision and improvement needs in Cambridge highlighted in the audits. Mindful of the council's S106 eligibility criteria and other salient factors (such as those mentioned in paragraph 3.3), officers have filtered the lists of possible projects to focus in on those that have not already been allocated funding⁴ and would:
- a. provide additional benefit (not for like-for-like replacement of equipment, maintenance or running costs),
 - b. be accessible to all (eg, with a community use agreement over the number of hours of community usage per week);
 - c. be affordable (within the context of S106 regulations and the 'no more than five' pooling constraints)⁵;

4. For example, a number of the sports pavilion and changing room improvement needs highlighted in the Playing Pitches Strategy already have S106 funding (eg, those at Cherry Hinton, Chesterton, Coleridge & Nightingale Avenue Rec grounds).

5. Any organisations seeking grant-funding from specific S106 contributions would also need to demonstrate that this financial support was needed.

- d. not be unduly contentious, recognising that facility improvements require planning permission – if planning approval was refused, it would not be possible to reallocate any S106 contribution specific to a particular facility to another project elsewhere;
- e. be more likely to withstand the uncertainties of how much specific S106 funding might become available and when⁶.

4.5 **Outdoor and indoor sports facilities:** See the recommendation in paragraph 2.2. The ‘target list’ for outdoor and indoor sports facilities, as a starting point for seeking specific S106 contributions, is set out in Appendix E. When viewed alongside the existing specific contributions for sports facilities in Appendix B, it has been possible to identify target list projects in all but three wards (Arbury, Castle & Newnham⁷).

4.6 **Community facilities:** The Community Facilities audit is on-going in order to verify the data collected and to continue the dialogue with local community groups. Until this process is completed, it would be premature to produce a definitive ‘target list’ for community facilities.

4.7 It is important to put in place a ‘provisional target’ list in the meantime in order to secure as many specific contributions as possible. In line with the recommendation in paragraph 2.3, this will focus on most of the community centres/houses/rooms owned or managed by the city council (set out in the table in Appendix F).

- a. An assessment is on-going as to which of these council-owned facilities might require upgrades to kitchens, storage, access, toilets and furniture in order to mitigate the impact of any nearby major developments (as examples of smaller scale projects). Once this is completed, this will help to inform requests for specific contributions from nearby developments.
- b. As specific contributions for council-owned/managed community facilities are being sought in parallel with the on-going strategic review of community provision, officers will explore options (if possible) to build in flexibility to the way those contributions are worded. This might include contingency arrangements to reallocate the funding to other nearby facilities serving the development.

6. This is considered to be less of an issue for sports facility projects, which tend to be managed by the council or by a school/academy (with their greater access to longer-term funding and resources), than for community facility projects, which are often managed by voluntary organisations or community groups.

7. To put this in the context of the wider use of S106 funding, residents from Arbury will benefit from sports projects available for community use on the North Cambridge Academy site, including the recent provision of facilities for Cambridge Gymnastics Academy. In addition, the West/Central Area Committee has allocated devolved outdoor sports S106 funds in 2015/16 to tennis court improvements on Christ’s Pieces and Lammas Land and to improving the football area at Histon Road Rec.

- 4.8 As a general point, that applies to both the sports and community facilities 'target lists', please note that even if a facility is mentioned on a 'target list', specific contributions will only be sought from nearby developments where appropriate (for example, where this would meet the three legal tests mentioned in Appendix A). Other projects can also be considered if there is a strong case for seeking specific contributions from a particular development.
- 4.9 The recommendation in paragraph 2.4 recognises the opportunity to add to the community facilities 'target list' other community facilities, owned/managed by other groups and organisations. The top-level analysis in Appendix G highlights community facility needs in each ward. The continuing dialogue with community groups will help to compile more detailed evidence for grant-based projects. Given the concerns raised in paragraph 3.3d, it will be important to make sure that prospective grant applicants understand the commitment expected of them: if they ask the council to seek specific S106 contributions on their behalf, they will be asked to make every effort to make sure that they can be used for those purposes⁸.

5. IMPLICATIONS

- 5.1 **Financial implications:** This report has been set in the context of managing the implications of fewer specific contributions generating less specific S106 funding at a time when remaining generic S106 funds are also tapering off and running down.
- a. Whilst looking to secure as many specific contributions as possible, there also needs to be caution about keeping the specific projects (for which specific contributions are sought) realistic and affordable.
 - b. Compared to generic S106 contributions (agreed prior to April 2015), there is a greater risk that specific S106 contributions may need to be returned if the projects specified do not come to fruition – because there is no/limited flexibility about how they can be used.
 - c. Attention is drawn to the footnote in Appendix A, which highlights that it is possible to use existing contributions (based on generic infrastructure categories) **and** specific contributions from new (post-April 2015) agreements towards the same projects. This will be an important consideration in the 2016/17 S106 priority-setting round in terms of whether to allocate any available generic S106 funds to supplement projects based on specific contributions.

8. One of the scenarios that the council would to avoid, for example, would be securing specific contributions for a community group's grant-based project and receiving the developer's payment 2-3 years later, only to find that the group has already completed the project. Specific contributions could probably not be paid to the intended grant recipient in that case and could have to be returned to the developer.

- 5.2 **Staffing implications:** Last March’s review of the interim S106 approach has streamlined the process in order to make better use of existing staffing resources. Even so, the work required as part of the continuing dialogue with community groups, in order to address the concerns highlighted in paragraphs 3.3d and 4.9, should not be underestimated.
- 5.3 **Equalities and poverty implications:** As mentioned in paragraph 3.3, the spread of the specific S106 contributions that can be agreed will be uneven across the city. It is important to remember that the purpose of S106 contributions is, first and foremost, to mitigate the impact of development – although this report has also recognised that differing contexts in different parts of the city (eg, levels of deprivation or affluence) can inform the extent of the impact of development.
- 5.4 **Other implications:** The particular projects for which specific S106 contributions are agreed will be added to the ‘projects under development’ (PUD) list of the council’s Capital Programme once the funding needed for projects has been received. Business cases for the projects will then be developed - and will take account of such factors as environmental implications, procurement matters, community safety issues and the need for further consultation. The business cases will be considered by the Capital Programme Board, chaired by the Head of Finance, to ensure that they are robust, in line with council policy and ready to be implemented.

6. BACKGROUND PAPERS

- 6.1 These background papers on the S106 devolved decision-making process have been used in the preparation of this report:
- “S106 Developer Contribution: Taking Stock” report to the Executive Councillor for City Centre and Public Places, Community Services Scrutiny Committee, 17/03/2016;
 - “Cambridge and South Cambridgeshire Playing Pitch Strategy” report to Development Plan Scrutiny Sub-Committee, 2/6/2016;
 - “Cambridge & South Cambs Indoor Sports Facility Strategy” report to Development Plan Scrutiny Sub-Committee, 2/6/2016;
 - “Strategic review of Community Provision” report to Community Services Scrutiny Committee, 30/06/2016;
 - “Interim approach to S106 contributions” briefing paper, June 2015;
 - “S106 funding and interim arrangements ahead of the local introduction of the Community Infrastructure Levy”, report to Community Services Scrutiny Committee, 19/03/2015;

- Cambridgeshire Population and Dwelling Growth forecasts:
<http://atlas.cambridgeshire.gov.uk/Demography/Pop/atlas.html>;
- Indices of Deprivation 2015 on Cambridgeshire Insight website:
<http://www.cambridgeshireinsight.org.uk/interactive-maps/deprivation>.

6.2 Further information about the council's approach to S106 management can be found at the council's Developer Contributions web page (www.cambridge.gov.uk/s106). This includes a briefing note on the council's S106 eligibility criteria and a section on 'How are developer contributions changing?'

7. APPENDICES

- A. S106 interim approach: background
- B. Specific S106 contributions (relating to sports and community facilities) agreed since April 2015
- C. Overview of playing pitch strategy framework and action plan for the future delivery of playing pitch provision in Cambridge
- D. Indoor Sports Facility Strategy: overview of recommendations
- E. 'Target list' of outdoor and indoor sports facilities for which specific S106 contributions could be requested
- F. Community facilities owned by the city council: initial analysis
- G. Overview analysis of community facility needs by ward

8. INSPECTION OF PAPERS:

To inspect the background papers or if you have a query on the report please contact:

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S106 INTERIM APPROACH: BACKGROUND

- A1. **What are S106 developer contributions?:** New development creates extra demands on local facilities. To mitigate that impact, the council asks developers to pay Section 106 contributions⁹, which help to fund new and improved facilities across Cambridge. These contributions must meet three legal tests to make sure that they are:
- necessary* to make developments acceptable in planning terms;
 - directly-related* to the development; and
 - fair and reasonable* in scale and kind to the development.
- A2. **Restrictions:** A report to this Committee in March 2015 highlighted that the regulations¹⁰ coming into force on 6 April 2015 meant that:
- if a council has put in place more than five S106 contributions for an infrastructure project or type of infrastructure since 2010, it cannot collect any more for that purpose – for the city council, this has meant no more contributions for general infrastructure types^{11,12};
 - a council can only accept a maximum of five agreed contributions towards a specific purpose. The five contributions include any from unimplemented consents (i.e., agreed but not payable).
- A3. The Government has intended these restrictions as an incentive for local authorities to introduce the community infrastructure levy (CIL).
- CIL is a single charge¹³ that can fund a wide range of infrastructure to support the area's development (largely replacing S106 funding).
 - Although the council submitted its draft CIL charging schedule in March 2014, CIL cannot be introduced locally until this schedule has been examined by the Planning Inspectorate. This can only happen after the on-going examination of the draft Local Plan.

9. With a small number of exceptions, prior to April 2015, the council normally entered into off-site, generic S106 contributions (e.g., for “the provision of, improvement of or better access to” general types of infrastructure “within the city of Cambridge”).

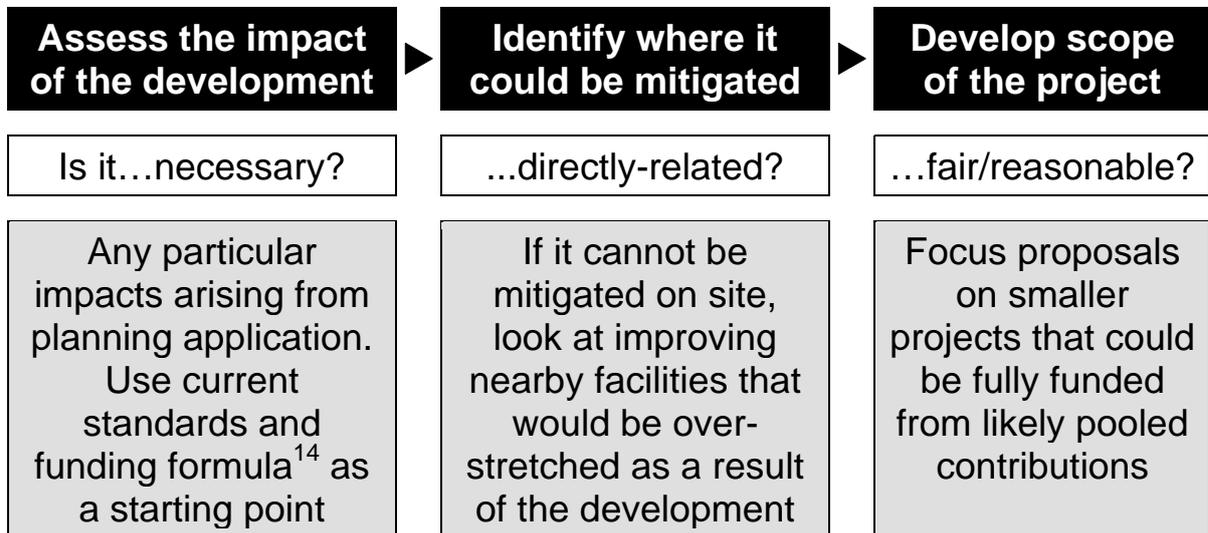
10. Often known as the ‘S106 pooling constraints’, these restrictions form part of the Community Infrastructure Levy (CIL) Regulations.

11. This means that there are no further funds for S106 priority-setting (and devolved decision-making) rounds beyond those that were agreed but not received by 6/4/2015. It is for this reason that S106 reports over the last couple of years have highlighted that S106 funding is tapering off and running down.

12. Discussions with Douglas Edwards QC did highlight, however, that it is possible to use existing contributions (based on generic infrastructure categories) **and** specific contributions from new (post-April 2015) agreements towards the same projects.

13. The Community Infrastructure Levy is a ‘per square metre’ charge on development creating 100m² or more net additional floor space.

A4. **Developing the interim approach:** Discussions in early 2015 with Douglas Edwards QC and research into professional guidance helped to identify a way forward. An interim approach to seeking specific S106 contributions from major developments (before CIL is implemented locally) was introduced in June 2015 following consultation with the relevant executive councillors, opposition spokes and scrutiny committee chairs. This is summarised in the diagram below.



- A5. At the same time, the June 2015 briefing note recognised that:
- a. more evidence would be needed to justify the need for specific contributions – audits could take time to develop and it may not be possible to seek some specific contributions in the meantime;
 - b. fewer contributions and less S106 funding could be secured¹⁵;
 - c. there could be an uneven spread of new contributions as the council could be better placed to secure contributions for some types of facility, and in some parts of the city, than others;
 - d. S106 negotiations could become more complex and time-pressured – given the need to identify specific contributions within the target timescales for processing planning applications;
 - e. future projects to be funded from specific S106 contributions would need to be smaller-scale in recognition of the uncertainties about the number of nearby developments that may come forward and the lower levels of S106 funding that may come to fruition¹⁶.

14. Based on the council's Planning Obligations Strategy 2010.

15. Although the previous S106 funding formula can be used as a starting point, the amounts of specific contributions sought will need to take account of the capacity of existing facilities to mitigate the impact of development.

16. The briefing note cautioned against seeking specific contributions for larger projects which would require more S106 funding than could reasonably be expected from no more than five nearby developments. This could, otherwise, create extra financial pressures on the council to fill shortfalls. Alternatively, it could increase the risk of projects stalling and specific S106 contributions having to be returned.

SPECIFIC S106 CONTRIBUTIONS

Here are the outdoor & indoor sports and community facility-related projects agreed and/or finalised as specific contributions since April 2015. Some other specific contributions are also in the process of being agreed/finalised, so this may reduce the number of 'up to five' contributions still available for particular projects¹⁷. The 'code' column shows the S106 agreements to which the specific contributions relate: more details can be found in Table 2.

Table 1:

Facility	Wording	£	Code
OUTDOOR SPORT			
Abbey Sports Centre	Artificial training pitch and/or training pitch improvements and drainage and/or a floodlit training area on the grass pitch ¹⁸	£48,076	A
	Upgrade floodlighting for existing artificial sports pitch here	£35,000	B
Abbey Sports Centre/Coldham's Common	Provide/improve storage for equipment associated with use of sports & recreational pitches	£15,000	B
Barnwell Road	Provision of additional tennis court	£75,684	H
Cherry Hinton Rec Ground	Improvements to sports pitches at Cherry Hinton Rec Ground	£6,307	C
Chesterton Rec Ground	Towards new clubroom / changing facilities and/or pitch improvements	£173,125	E
	Fit kit, benches and meeting point	£11,616	D
Chesterton Community College	3 cricket nets & artificial wicket; <u>or</u> long jump pit, 100m track, outdoor exercise equipment/trim trail ¹⁹	£42,000	I
Coldham's Common	Improvements to baseball pitch & provide permanent fenced backstop structure behind it	£15,000	B
Romsey Rec Ground	Advanced climbing wall/tower with lockable storage	£47,437	B

17. Some facilities have more than one project. This is in keeping with the S106 pooling constraints because these projects address separate impacts of development.

18. This is also mentioned in the proposed 'target list' in Appendix E.

19. The final S106 agreement is likely to mention one of these two options. The cricket nets and artificial wicket is also mentioned in the proposed 'target list' in Appendix E.

Facility	Wording	£	Code
INDOOR SPORT			
Abbey Sports Centre & Gym	Convert referees' room to increase studio space, relocate stores and fit out as a sports hall/urban zone	£54,338 £40,000	A H
Cherry Hinton Village Centre	Improve indoor sports facilities and equipment	£7,128.50	C
Kelsey Kerridge Sports Centre	Improve and expand existing climbing and bouldering into neighbouring multi-purpose room	£75,000	B
Kelsey Kerridge Sports Centre	Function or aerobics space provision from unused area	£35,000	I
Parkside Pool	Additional gym and exercise facilities at Parkside Pool	£45,000	H
COMMUNITY FACILITY²⁰			
Cherry Hinton Community Hub	Expand hub to incorporate modular meeting rooms, toilet facilities, storage, kitchens, a new courtyard, and a cafeteria.	£15,056	F
Clay Farm	For Clay Farm Community Centre	£45,192	G ²¹

Table 2

Code	Planning ref.	Development site	Status
A	14/1154/FUL	West's Garage, 217 Newmarket Rd	Finalised
B	14/1496/FUL	315-349 Mill Road (Romsey)	Finalised
C	14/1970/FUL	Rosemary Branch 503 Coldhams Lane	Finalised
D	14/2051/FUL	156-160 Chesterton Road	Finalised
E	14/0790/FUL	Cambridge City FC Ground, Milton Rd	Finalised
F	15/1111/FUL	58 Fishers Lane	Finalised
G	14/1792/FUL	Glebe Farm 3 development	Finalised
H	15/0398/FUL	8, 10 and 10a Cheddars Lane	Agreed, not finalised
I	14/1905/FUL	64 Newmarket Road	

20. £97,947 has also been received from a S106 agreement signed in April 2010 from the CB1 development for the provision or improvements of facilities at The Junction.

21. Specific contributions for community facilities to serve the Southern Fringe have also been agreed since April 2010 from Glebe Farm and Clay Farm developments (c.£187,000 and £1,653,000 respectively) so these probably also need to be counted towards the 'up to five' contributions for the Clay Farm community centre.

OVERVIEW OF PLAYING PITCH STRATEGY FRAMEWORK AND ACTION PLAN FOR THE FUTURE DELIVERY OF PLAYING PITCH PROVISION IN CAMBRIDGE

Extracts from Cambridge & South Cambridgeshire Playing Pitch Strategy²²

The strategy framework will focus on the following three principles:

Protect: The strategy seeks to make sure that the right amount of playing pitches and ancillary facilities of the right quality are in the right place. It promotes the protection of existing provision and recognises the benefits of multi pitch sites.

Enhance: Key partners such as Cambridge City Council and South Cambridgeshire District Council, Cambridgeshire County Council Education, local schools, private and voluntary sports clubs, and national governing bodies must work together to maximise the full potential of playing pitch assets and the long term sustainability of these assets and recognise that an improvement in quality and ongoing maintenance can have an impact on the capacity of use.

Provide: In times of public sector austerity, investment needs to be directed at sites which will provide the best impact and highest increase in participation. It is the policy of Cambridge City Council and South Cambridgeshire District Council to support projects and sports clubs that are able to demonstrate sustainable long term development, increase participation and support those clubs that have achieved the appropriate accreditations (eg. Clubmark and or Charter Standard) and provide player and sports development pathways.

Cambridge-specific extracts from the 'Provide' category

Football

1. Re configured football pitches, new football pitches, 3G rubber crumb pitches and new and or improved changing facilities commensurate to new population provided by housing development in line with the strategic need for facilities across Cambridge City Council and South Cambridgeshire District Council with a particular emphasis on dedicated youth and mini pitch provision.
2. The strategically preferred options for the delivery of 3G artificial rubber crumb grass pitches relating to Cambridge:
 - Anglia Ruskin University – Howes Close (with community Use agreement): This will provide a 3G pitch facility for the North West area of the City of Cambridge and into South Cambs (Girton etc).

22. To see the wider context, please visit the Committee meetings minutes & agendas page (<http://democracy.cambridge.gov.uk/ieDocHome.aspx>) and search for the Development Plan Scrutiny Sub-Committee meeting on 2/6/2016 (agenda item 5).

- Abbey Leisure Coldham's Common: This will also provide for the North West area of Cambridge and into South Cambridgeshire District Council. (Replace carpet on existing hockey pitch subject to the development of artificial pitches at Wilberforce Road).
- Long Road 6th Form College (with community use agreement): this will support the small sided 3G rubber crumb pitch currently at Netherhall School and the South East of Cambridge.
- Trumpington School 3G rubber crumb pitch to allow junior hockey at school level and football. This will support south-west Cambridge.

Cricket

1. Provide new cricket pitch provision commensurate to new population provided by housing development in line with the strategic need for facilities in the Sub Areas.
3. There is a need to provide the appropriate facilities to meet the needs of local cricket clubs.

Rugby

1. Provide for new drainage, floodlights and or changing provision commensurate to new population provided by new housing development in line with the strategic need for facilities in that location.
5. A further feasibility study should be undertaken in the future to provide when feasible a 3G rubber crumb floodlit IRB compliant pitch at Cambridge Rugby Club.

Hockey

England Hockey are satisfied that if the following 5 artificial grass hockey pitches can be provided then this is all that will be required for competitive hockey until 2031.

- Provision of 3 Artificial Grass Pitches for hockey at the University of Cambridge, Wilberforce Road (with community use agreement). (Planning application will be required).
- Continued provision of Artificial Grass Pitch at Long Road for City of Cambridge.
- Provision of 1 Artificial Grass pitch for hockey at Anglia Ruskin University – Howes Close (with community Use agreement). (Planning application to be resubmitted.)

**CAMBRIDGE CITY COUNCIL AND SOUTH CAMBRIDGESHIRE
DISTRICT COUNCIL INDOOR SPORTS FACILITY STRATEGY:**

OVERVIEW OF RECOMMENDATIONS

Reported to Development Plan Scrutiny Sub-Committee on 2 June 2016

1. Further work is undertaken to assess the business case for the development of new swimming provision on the University of Cambridge West Campus, accompanied by a review of pool programming across Cambridge and South Cambridgeshire.
2. Jesus Green Lido should be developed to provide year round access for community use.
3. The need to replace ageing Swimming Pool facilities is recognised and planned for appropriately, including identification of the investment required. Investment will be required to invest in and retain/extend/replace Parkside Pools, and Abbey Leisure Complex (Cambridge), and in Melbourn and Impington Sports Centres (South Cambridgeshire District).
4. There is a need for Investment in the Frank Lee Centre (medium term), to make the facility more suitable and open for community use.
5. The need for new swimming provision should be considered, and an updated assessment undertaken, as part of planning for settlements beyond 2031 e.g., Northstowe Phase 2, Cambourne and Waterbeach. An updated assessment will be needed every 5 years to ensure the Strategy remains robust.
6. The need to replace ageing Sports Hall facilities is recognised and planned for appropriately, including identification of the investment required. Investment will be required to improve/replace existing education site based sports halls e.g. Melbourn and Impington Sports Centres, and Netherhall and Chesterton Community Sports Centres.
7. The potential for larger facilities should be considered in relation to the development of new/replacement/improved sports halls (given the identified under supply by 2031), to address identified needs of e.g. handball, and indoor tennis.
8. The identified under supply of community accessible fitness facilities is addressed through future facility development in Cambridge and South Cambridgeshire District.

9. Additional indoor tennis courts are developed in Cambridge to meet club demand.
10. An off road cycling circuit (1.6km) is developed, potentially also involving a BMX TRACK.
11. Cambridge and South Cambridgeshire District Council continue to work with local schools to develop formal community use agreements, or at minimum, commitments for a period of time to protect community access (pay and play usage as a priority). All new secondary schools should provide secured community access (pay and play) to sports facilities.
12. Cambridge and South Cambridgeshire District Council work with local schools to extend existing provision for community access to benefit local sports clubs.
13. The development of safe walking, running and cycling routes and appropriate infrastructure e.g. bicycle racks, storage, benches etc. across Cambridge and South Cambridgeshire District, and in areas of new housing development to facilitate active lifestyles.
14. Use this Sports Facilities Strategy to inform infrastructure needs of the area, including allocation of funding through the Community Infrastructure Levy. Where appropriate, contributions towards offsite provision may also be sought towards projects through the Section 106 process. Such funding could be used to improve the quality of facilities, or towards new facilities
15. This Strategy and analysis is reviewed and updated every 5 years to ensure the needs analysis remains robust and relevant and properly informs decisions about sports facility provision beyond 2031.

'TARGET LIST' OF INDOOR AND OUTDOOR SPORTS FACILITIES FOR WHICH SPECIFIC S106 CONTRIBUTIONS COULD BE REQUESTED

This 'target list' is drawn/filtered from the Cambridge and South Cambs Playing Pitch Strategy action plan (PPS pages 177-186) and the Indoor Sports Facilities Strategy action plan (ISFS pages 198-202). Not all the items included in these action plans would be suitable for the use of specific S106 contributions. The filters set out in paragraph 4.4 have been applied.

Facility	Area	Identified need
OUTDOOR SPORT		
St Alban's Rec Ground	N	Junior pitch drainage/improvement
Chesterton Community College	N	Outdoor pitch improvements
		Outdoor storage
		Artificial cricket nets and wicket
North Cambridge Academy	N	Outdoor equipment storage
		Artificial cricket nets and wicket
Coldham's Common	E	Renew artificial grass pitch carpet (from sand to rubber crumb)
Coleridge Rec pavilion	E	Additional changing rooms ²³
Romsey Rec Ground	E	Junior pitch improvements
Netherhall School & 6 th Form	S	Floodlit training grass area
Trumpington Rec Ground	S	Pitch improvements
Parker's Piece	WC	Second cricket square for community club cricket use.
INDOOR SPORT		
North Cambridge Academy	N	New sports hall floor & indoor court
Kelsey Kerridge Sports Centre	E	New mobile spectator seating
		Conversion of Fenners' Gallery
Cherry Hinton Village Centre ²⁴	S	Community gym facility
Netherhall School ²⁵	S	New floor for sports hall

23. In 2015/16, the East Area Committee has already prioritised improvements to the existing Coleridge Rec Pavilion using devolved outdoor sports S106 funding.

24. This proposed project relates to Indoor Sports Facilities Strategy recommendation 8.

25. As the Joint Development Control Committee in June 2008 intended the indoor sports contribution from 06/0795/OUT Bell School development (agreed December 2010) to be towards improving/extending the existing sports hall at Netherhall School, this may need to be counted as one of the 'up to five' specific contributions.

COMMUNITY FACILITIES OWNED BY THE CITY COUNCIL: INITIAL ANALYSIS

It is proposed that the provisional target list would comprise facilities [A]-[P]. See paragraph 4.7 of the main report.

Ref	Community Centre	Area/Ward		Facilities on offer					Examples of potential upgrades to offset impact of development				
				Hall (capacity >50)	Meeting rooms (capacity <50)	Kitchen	Café	Outdoor space /sports pitch	Kitchen upgrade	Extra storage	Improve access	Toilets	Furniture & equipment
Owned and managed by the city council													
A	Browns Field Youth & Community Centre	N	ECH	●	●	●		●	✓	✓	✓	✓	✓
B	Buchan Street Neighbourhood Centre	N	KHE	●	●	●		●	✓	✓	✓	✓	✓
C	The Meadows Community Centre	N	ARB	●	●		●	●	✓	✓	✓	✓	✓
D	Ross Street Community Centre	E	ROM	●	●	●			✓	✓	✓	✓	✓
Owned but not run by the city council													
E	Arbury Community Centre	N	KHE	●	●	●	●	●	TBC	TBC	TBC	TBC	TBC
F	Bath House Community Room	E	PET		●				TBC	TBC	TBC	TBC	TBC
G	Cherry Hinton Library	S	CHH		●	●			TBC	TBC	TBC	TBC	TBC
H	Cherry Hinton Village Centre	S	CHH	●	●	●			TBC	TBC	TBC	TBC	TBC
I	Cherry Trees Day Centre	E	PET		●	●			TBC	TBC	TBC	TBC	TBC

COMMUNITY FACILITIES OWNED BY THE CITY COUNCIL: INITIAL ANALYSIS

It is proposed that the provisional target list would comprise facilities [A]-[P]. See paragraph 4.7 of the main report.

Ref	Community Centre	Area/Ward		Facilities on offer					Examples of potential upgrades to offset impact of development				
				Hall (capacity >50)	Meeting rooms (capacity <50)	Kitchen	Café	Outdoor space /sports pitch	Kitchen upgrade	Extra storage	Improve access	Toilets	Furniture & equipment
J	Hanover Court community room	S	TRU		●	●			TBC	TBC	TBC	TBC	TBC
K	Kingsway community room	N	ARB		●				TBC	TBC	TBC	TBC	TBC
L	37 Lawrence Way community house	N	KHE		●	●		●	✓	✓	✓	✓	✓
M	Lichfield Hall	E	COL		●				TBC	TBC	TBC	TBC	TBC
N	Nuns Way Pavilion	N	KHE	●	●		●	●	✓	✓	✓	✓	✓
O	Trumpington Pavilion	S	TRU	●	●		●	●	TBC	TBC	TBC	TBC	TBC
P	The Junction	E	COL	●	●	●			TBC	TBC	TBC	TBC	TBC

TBC = to be confirmed though on-going discussions with the groups and organisations that manage these centres.

City-owned community facilities – not on the ‘target list’ at this stage

82 Akeman Street Community House – plans being scoped to redevelop the current site – until the details become clear, it would be premature to put this facility on the ‘target list’.

Clay Farm Community Centre (Southern Fringe – new facility, not yet operational).

Storey’s Field (North West Quadrant – new facility, not yet operational).

ANALYSIS OF COMMUNITY FACILITY NEEDS

Appendix G

The next two pages provide a ward-by-ward analysis (by Area) of the need for S106 funding for community facilities in order to help mitigate the impact of local development (ie, increased demands on facilities due to an increase in the number of local residents). These notes explain the information provided under each of the column headings.

Population growth: These figures are based on Cambridgeshire County Council forecasts of population growth by ward between 2001-31. The highest increases are in Trumpington and Castle wards, reflecting the major growth sites on Cambridge's Southern Fringe and in the North West Quadrant. These developments will have their own community facilities (eg, Clay Farm, Storey's Field and Darwin Green community centres).

Deprivation index: Even though S106 developer contributions focus primarily on mitigating the impact of development (rather than meeting pre-existing local needs) it can be argued that the same levels of population growth in different parts of the city can have differential impacts depending on those underlying needs.

For this reason, it useful to refer to the Indices of Multiple Deprivation (IMD) 2015. These are based on seven factors (income; employment; education, skills and training; health deprivation and disability; crime; barriers to housing and services and living environment). Each wards is broken down into a number of SOAs (super

output areas) – most wards have five or six SOAs, but wards in West/Central Area have between two and four.

Each SOA has been given an IMD rating between 1 and 10, which relates to the national deciles for deprivation: 1 denotes most deprived and 10 least deprived. Two SOAs in Abbey ward score '2', whilst some others in Abbey, King's Hedges and East Chesterton score '3'.

Others' facilities: This is based on interim data for the number of non-city council owned/managed facilities in each ward, from the recent Community Facilities audit. Further validation of the responses continues. The current figures indicate 29 facilities in North Area, 35 in West/Central, 44 in South and 50 in East.

S106-funded community facility projects since 2010: Every ward has benefitted from S106 community facility grant projects over the last five or six years – apart from West Chesterton where two such projects are currently under development. The facilities in *italics* have been allocated S106 funding but are not yet complete.

Council-owned community centres in the vicinity: Most are in the North and East Area. That said, some parts of every ward in the city are within one kilometre of one of these centres. The facilities in *italics* are not yet operational. (Key: CR = community room and CC = community centre).

Overview analysis of community facility needs by ward

Ward	Pop growth 2001-31	Deprivation index rating (1-10) for SOAs	Others' facilities	S106-funded community facility projects in ward since 2010 at	City council-owned centres at
North					
Arbury	9,800	3 4 5 5 6 8	5	Akeman Street community room St Luke's community centre	The Meadows, Kingsway CR, Akeman St CR
East Chesterton	9,400	3 5 5 6 9	9	St Andrew's Hall extension	Brown's Field
King's Hedges	8,400	3 3 3 3 7 7	9	Arbury Community Centre Buchan St Neighbourhood Centre	Buchan St, Arbury CC, Lawrence Way, Nuns Way
West Chesterton	9,000	5 9 9 9 10	6	<i>Rowan Humberstone Centre</i> <i>Milton Rd library community room</i>	-
East					
Abbey	11,700	2 2 3 4 5 6	18	Stanesfield Road scout hut <i>East Barnwell community centre</i>	-
Coleridge	10,200	6 7 7 8 9	8	Flamsteed Road scout hut St Martin's community centre	Lichfield Hall
Petersfield	8,900	5 8 8 8 9	14	King's Church community centre Cherry Trees Day Centre	Bath House, Cherry Trees Day Centre
Romsey	10,000	5 6 8 8 9	10	St Philip's community centre Ross St Neighbourhood Centre	Ross Street

Ward	Pop growth 2001-31	Deprivation index rating (1-10) for SOAs	Others' facilities	S106-funded community facility projects in ward since 2010 at	Council-owned centres in vicinity
South					
Cherry Hinton	9,200	5 6 6 7 10 10	9	Baptist Church family centre Phase 1 of Cherry Hinton Hub	Cherry Hinton Village Centre and Library
Queen Edith's	9,600	7 8 9 10 10	16	Rock Rd library community meeting space (<i>plus next phase</i>)	-
Trumpington	19,200	6 7 7 8 8	19	King George V Pavilion, Centre@ St Paul's, <i>Clay Farm community centre</i>	Trumpington Pavilion, The Junction, <i>Clay Farm Community Centre</i>
page 49					
Castle	17,400	8 9 10 10	6	St Augustine's hall extension, <i>Darwin Green community centre Storey's Field community centre</i>	<i>Darwin Green and Storey's Field community centres</i>
Market	9,500	7 8	22	St Mary's Church meeting space	-
Newnham	8,800	8 10 10	7	St Mark's hall extension/kitchen upgrade	-