

Corridor Transport Plan S106 contributions – Briefing Note

Planning obligations

Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as s106 agreements, are a mechanism which make a development proposal acceptable in planning terms, that would not otherwise be acceptable. They are focused on site specific mitigation of the impact of development. S106 agreements are often referred to as 'developer contributions' along with highway contributions and the Community Infrastructure Levy. One of the common uses of planning obligations is to secure financial contributions to provide infrastructure.

The legal tests for when you can use s106 agreements are set out in regulation 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010 as amended. Prior to this act coming into force these tests were outlined in guidance; however since the introduction of the CIL regs the tests have legal force.

The tests are:

1. necessary to make the development acceptable in planning terms
2. directly related to the development; and
3. fairly and reasonably related in scale and kind to the development.

Within the Area Corridors the county council collects S106 payments for transport infrastructure in two ways

- Contributions for specific pieces of infrastructure
- Contributions toward delivery of the Corridor Transport plans

Corridor Transport Plans

The purpose of the Corridor Transport plans is to;

- identify new transport infrastructure and service provision that is needed to facilitate the development of Local Plan allocations in Cambridge and adjoining parishes in South Cambridgeshire. The plans set out measures considered necessary to mitigate the impacts of new trips generated by the proposed new development within the local plan.
- identify a fair and robust means of calculating how individual development sites in the area should contribute towards the fulfillment of that transport infrastructure. The mechanism for calculating contributions was formulated

with regard to the guidance of DETR Circular 1/97 (Planning Obligations) and Planning Policy Guidance Note 13 (Transport), with the emphasis on achieving necessary transport infrastructure to allow development in a fair, open and equitable manner.

In line with current national and local transport policy, the emphasis of any new transport capacity created in the corridor will be on pedestrians, cyclists and public transport. By identifying how additional capacity of this nature can be provided, the plan aims to:

- not increase car traffic in the area, particularly during the peak hours;
- increase the proportion of journeys made by bus, cycle and on foot;
- manage the transport network efficiently, and minimise delays to public transport users, pedestrians and cyclists;
- minimise the environmental and economic impact of transport.

CCC recognises that the schemes contained within the Corridor Transport Plans are not exhaustive and so whilst funding collected has been used to fund those schemes listed within the plans, CCC have also collected suggested schemes from local members which will help deliver the aims of the plan. These schemes are then filtered to ensure that they comply with both the legislation which relates to S106 contributions and meets the aims of the Corridor Transport Plans. Below is the filtering process.

Legal Filter

Does the proposal meet the tests contained with Reg 122.

First Filter – Proposed project fit with Cambridge Corridor Area Transport Plans and Market Towns Transport Strategies

1. In line with current national and local transport policy, the emphasis of any new transport capacity in the area is on public transport, traffic restraint, cyclists and pedestrians. By identifying how additional capacity of this nature can be provided, the plan aims to:
 - a. minimize, mitigate or manage any increase in car traffic in the area, particularly during the peak hours;
 - b. increase the proportion of journeys made by bus, cycle and on foot;
 - c. manage the transport network efficiently, and minimise delays to public transport users, pedestrians and cyclists;
 - d. minimise the environmental and economic impact of transport;

- e. direct relationship to development providing contribution.

Second Filter- deliverability, affordability and value for money of proposed project

2. Consider proposed project in respect of each of the following criteria:
 - a. Deliverability – The extent to which a project is deemed likely to deliver the expected benefits within the declared cost/time/quality envelope.
 - b. Affordability – The extent to which the level of expenditure and financial risk involved in a project can be taken on, given total level of financial contribution received from developers in area of transport plan or strategy.
 - c. Value for money – The optimum combination of whole-life cost and quality (or fitness for purpose, ensuring all points raised in first filter above are met), as well as to meet the expected transport infrastructure of service improvements of the local community
 - d. Match funding – The level of match funding that the project will attract, where applicable, that will increase affordability and raise project profile accordingly.

Third Filter – Prioritisation of proposed projects based on Cost Benefit Analysis

3. To quantify in monetary terms as many of the costs and benefits of a proposal as feasible, considering for transport purposes the points in the above filters and the following when completing the Transport Project Assessment and Prioritisation Form:
 - a. changes in business and non-business travellers' journey time and journey reliability, vehicle operating costs, fares and other related changes
 - b. the potential to reduce road casualties
 - c. the effects of better transport interchange on traveller journey times
 - d. impacts of noise
 - e. impacts on greenhouse gases
 - f. Impact on public health in terms of opportunities for individuals to participate in exercise, as well as resulting in reduced emissions
 - g. Supporting businesses by considering positive effects, for example provision or enhancement of infrastructure to encourage sustainable methods of travel, as well as considering negative effects, such as loss of customer parking.

If a scheme successfully passes through these three criteria then it will be recommended for approval by Cambridgeshire County Council Cabinet.

