



S106 FUNDING ROUND: STREETS AND OPEN SPACES

To:

Councillor Sam Carling, Executive Councillor for Open Spaces and City Services

Environment & Community Scrutiny Committee 21/03/2024

Report by:

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Wards affected:

All

Key Decision

1. Executive Summary

The Council helps to mitigate the impact of housing development on local facilities and amenities through the use of S106 contributions. This report takes stock of the contribution types within the Executive Councillor's remit and recommends use of generic informal open space S106 funding for a number of eligible projects.¹

- Section 3 and Appendices A and B set the context and provide a top-level S106 funding availability analysis.
- Section 4 and Appendix C outlines project proposals recommended for S106 funding. As this includes some already approved Environmental Improvement Programme (EIP) projects, it could help to extend the future use of EIP funds in relevant areas of the city.
- Section 5 explains how the Council is strengthening its S106 processes to enable time-limited S106-funds to be used on time.

1. Further S106 funding recommendations will follow in a committee report in June 2024, including proposals for public realm and play area improvements (in the context of the new Outdoor Play Spaces Investment Strategy business intelligence software).

2. Recommendations

The Executive Councillor is recommended to:

- 2.1 allocate generic informal open spaces S106 funding, subject to business case approval and community use agreement (as appropriate), to the following project proposals:

	Project proposals	Amount	See
a.	Towards mature tree-planting programme in parks across the city	£60,000	Paragraph 4.3
b.	Footpath improvements at Five Trees open space, East Chesterton	£10,000	Paragraph 4.4
c.	Open space improvements at Romsey Recreation Ground	£11,500	Paragraph 4.5

- 2.2 allocate around £47,600 of generic informal open spaces S106 funding to eligible projects previously approved for Environmental Improvement Programme (EIP) funding in 2022/23 and 2023/24 in place of EIP funds (see paragraph 4.6 and Appendix C);
- 2.3 allocate an additional £5,000 of generic informal open spaces S106 funding to supplement the funding available for the St Alban's Rec Ground biodiversity project (see paragraph 4.6d and Appendix C);
- 2.4 note that relevant specific informal open spaces S106 contributions may be used to supplement new and existing generic S106-funded projects (e.g., for the mature tree-planting programme and improving open spaces at Romsey and Cherry Hinton Recreation Grounds and Coldham's Common BMX track) (see paragraph and 4.7);
- 2.5 note that some projects allocated S106 funds in previous generic S106 funding rounds have not been able to proceed (see paragraph 3.5);
- 2.6 approve a new process whereby any generic S106 funds in the informal open spaces, play provision and public realm categories that are within two years of the date by which they need to be used or contractually committed may be de-allocated from a project which is unlikely to deliver on time, so that they could be re-allocated to another relevant project (related to where the S106 contributions are from) which could make timely use of this funding (see Section 5).

3. Background

3.1 As the previous S106 report to this Committee relating to contribution types within the Executive Councillor's portfolio was in October 2021², this section provides a reminder of what these contribution types are for. It also features an update on progress of relevant S106-funded projects as well as setting out remaining S106 funding availability. The purpose of this report (and the one that will follow in June 2024) is to build up a clear programme of projects to be implemented in the coming years. Between now and the report in June, there will be further dialogue with local Members. In the meantime, this current report focuses on S106 funding that can be allocated to projects now.

3.2 **Overview:** S106 funds (or developer contributions) are payments from developers aimed at mitigating the impact of housing and other development. Every part of Cambridge has benefitted from S106-funded new or improved facilities. The [Developer Contributions](#) web pages include a [photo gallery](#) of recent projects in each ward and feature an [overview](#) of the Council's approach. This includes an explanation of:

- a. the distinction between generic S106 funds³ (which the Council used to collect) and specific S106 funds⁴;
- b. what the different S106 contribution types can be used for;
- c. which S106 contributions within the relevant contribution types are used to fund which projects.

2. S106 reports relating to the 2023-24 S106 funding round for community facilities and outdoor & indoor sports facilities were considered by the Executive Councillor for Communities at this Committee in October 2023 and January 2024.

3. Generic contributions were secured via S106 agreements signed before official regulations changed in April 2015. Most have already been allocated or spent, so remaining availability is limited. They are for providing or improving facilities in a certain contribution type, but not attached to a particular project. The Executive Councillor can decide how to use them on relevant projects once the S106 funds are received.

4. Specific S106 contributions are already agreed by the Planning committee (or Joint Development Control Committee) as part of a planning approval and do not require further funding authorisation at councillor-level. The S106 agreement stipulates the particular facilities where specific contributions are to be used and these funds can only be used for this purpose.

- i. Local projects tend to use S106 funds from developments in the same ward and/or neighbouring wards that also benefit from it.
- ii. Strategic projects tend to be funded from S106 funds from major developments in the same area of the city and/or other areas that also benefit from the project.⁵

3.3 **Contribution types:** The Executive Councillor's portfolio includes responsibility for the use of the following S106 contribution types:

- a. **Informal open space** contributions can be used for improvements to protected open spaces, set out in our Open Spaces & Recreation Strategy (such as Council-owned or managed parks & open spaces). This can include improvements to: 'soft' landscaping; paths/surfacing (e.g., sandstone or hoggin); drainage; habitat creation; fencing/ gates; tree/shrub-planting; benches, bins, signs and noticeboards.
- b. **Play provision** contributions can be used for new or improved outdoor public play areas and facilities for children and teenagers, which are owned or managed by the Council. This can include play equipment and safety surfacing underneath/around the equipment.
- c. **Public realm** contributions can be used for improvements to the design of streets, including hard landscaping and better access and safety for pedestrians, cyclists and people with a disability.

3.4 **Assessment criteria:** In line with the previous S106 funding rounds, the criteria for assessing proposals highlight the need for projects to be:

- a. **eligible** for the S106 contribution types being considered - S106 funds cannot be used for repairs, maintenance, running costs or like-for-like replacements, nor for improvements to equipment and storage that have already been purchased or installed⁶;
- b. **affordable** from the relevant S106 funds available which can be justified for spend on that sort of facility in that part of the city.
- c. an **effective use** of S106 funding. The proposals need to mitigate the impact of development (i.e., addressing increased use of open spaces

5. This approach to funding local and strategic projects means that S106 contributions from a particular ward are not necessarily always spent in the same ward.

6. S106 funding can only be used for projects which come to fruition. It cannot be used for preparatory or design costs for projects that are not subsequently delivered.

and play areas arising from new housing) and provide additional benefit. The assessment can be informed by relevant Council strategies (such as the Play Area Investment Strategy).

- d. **accessible** in line with the Council's equalities and diversity policies.
- e. realistic, ready and **deliverable** (say, within 18-24 months).

3.5 **Project delivery progress:** Most generic S106 funds have now been allocated or spent. Appendix A lists relevant S106-funded projects that have been completed since 2021-22⁷, as well as those that are expected to be completed soon and those that are getting under way. However, paragraph A4 of Appendix A explains that:

- a. £22,000 previously assigned to the Sheep's Green LNR biodiversity bank improvements at Mill Pond has been de-allocated);
- b. The budget for the Jesus Green ditch biodiversity project has been scaled back from £53,000 to between £20,000-£27,000.

The S106 funding that is no longer needed for these projects has been de-allocated and recycled for use on other relevant projects instead.

3.6 The October 2021 S106 (Open Spaces & Play Areas) report made mention of the Coldham's Common BMX track improvement project, which has previously been allocated £85,000 of S106 funding.

- a. The project has been 'on hold' while officers sought clarify about whether the planned East Barnwell redevelopment might impact on the location of local sports facilities, but this has now been resolved.
- b. Plans for the project are now being re-scoped in consultation with BMX users to ensure that the BMX site can both be safe and that improvements would provide additional benefit. The £85,000 S106 funding allocation for the project have been reprofiled.⁸
- c. The project could feature drainage and environmental improvements, plus the provision of an all-weather perimeter track which could extend the use of the facility throughout the year.

7. Some of these projects can be found in the photo gallery on the Council's website.

8. This is based on a combination of informal open space S106 funds for landscaping (including some specific contributions for improving Coldham's Common) and outdoor sports S106 funds relating to the track itself for use by BMX riders of all ages.

- d. The aim is for the BMX track improvements themselves to be funded within the original budget. If further funding is needed for wider environmental improvements on Coldham's Common, this would be funded from further use of specific contributions.
- e. The aim is for this project to move forward in the next year⁹. Officers will engage local Members in developing this project and will include a further update in the next S106 report to this committee in June.

3.7 Funding rounds: Generic S106 funding rounds since 2012/13 have helped developer contributions to be used on time for their intended purposes. However, the Coronavirus pandemic diverted the attention of both council officers and local community groups and led to a backlog of projects to be delivered. Whilst this has now largely been addressed, it has delayed taking forward the next S106 funding round, as well as a bottleneck of generic S106 funds getting closer to their 'use-by' dates¹⁰ in 2024/25 and 2025/26. The measures set out in this report will help to enable these remaining contributions to be used on time.

3.8 S106 funding availability: Appendix B features a top-level analysis of both unallocated generic S106 funds and unspent specific S106 funds¹¹ across the different contribution types.¹² The charts set out availability by ward and by 'use by' date¹³. The options for the way forward will be discussed with Members in the coming months and reported to Committee in June.

9. If progress on this project cannot be made within the next year, this would have implications for the current S106 funding allocations, which need to be contractually committed within the first three months of 2025.

10. Most expiry dates stipulated within S106 agreements are for contributions to be used or contractually committed within 10 years of receipt or date of payment of the final instalment. Where no expiry date is stipulated, the same time period is assumed.

11. Each ward will have its own specific projects (for which specific contributions are being collected). Particularly in relation to charts 1 and 4 in Appendix B, please note that where there is more than one specific project in a ward, this is denoted by reference to specific project 'A', 'B', 'C' and 'D'. The specific project 'A' in one ward will not be the same as a specific project 'A' in another ward.

12. Please note that these funding availability figures are subject to change. They are regularly reviewed to reflect project progress and ensure a good fit between the projects funded and the developments from which those S106 funds derive.

13. Payment of further specific contributions from developers is expected – and this may increase funding availability for particular improvement projects.

3.9 S106 funding availability is much more limited than it was (say, twelve years ago) and there are important constraints on how it can be used (e.g., in the context of specific S106 contributions¹⁴). The amount of S106 funds left available varies considerably across the city: this reflects both differing levels/type of development between wards from which S106 funds can be collected¹⁵ and the amount of allocation/spend on S106-funded which has already taken place.

3.10 **Informal open spaces:** See charts 1-3 of Appendix B.

- a. Just over £150,000 of unallocated generic S106 funds remain in this contribution type, around 40% of which reach their 'shelf lives' by September 2025, rising to 68% by March 2026. Over £20,000 is available in Abbey, East Chesterton and Trumpington, while none remains in Cherry Hinton, Market and Newnham,
- b. There are around £395,000 of specific informal open spaces S106 contributions in the city, 47% of which relate to Abbey and Romsey wards combined (including over £96,000 available for open space improvements at Coldham's Common).¹⁶ Of the other wards, three (Cherry Hinton, Coleridge and Newnham) have over £25,000 of specific contributions available for improving particular parks and open spaces, five (Castle, East Chesterton, King's Hedges, Queen Edith's and Trumpington) have less than £20,000, and four currently have none available (Arbury, Market, Petersfield and West Chesterton).
- c. Although one specific contribution of around £48,000 needs to be contractually committed by August 2026, almost three quarters of the specific contributions have 'use by' dates later than January 2029 – so there is time to plan for and implement these projects.

14. Attempts to alter the purposes for which a specific contribution can be used require engagement with developers, Planning Committee approval and a legal deed of variation to a S106 agreement.

15. Over the last decade, the Council has been required to focus S106 agreements on major developments of 11 or more homes.

16. Officers will need to review with Romsey councillors how to proceed with specific contributions secured for open space improvements on a pocket of open space on Great Eastern Street and for a climbing wall/tower at Romsey Recreation Ground.

- 3.11 **Play provision for children and teenagers:** In previous years, S106 contributions have been an important source of funding for improving play areas across the city. The analysis in Charts 4-6 of Appendix B need to be placed in the context of the Outdoor Play Spaces Investment Strategy business intelligence software, which is featured in a separate report in the agenda papers for this Committee meeting. Further discussions with local councillors in wards where S106 funding is still available will need to be informed by this business intelligence software, hence why recommendations for further use of generic S106 funding will need to follow in the next S106 report in June.
- a. There is only around £42,000 of unallocated generic contributions for improvements to play areas in Cambridge. These are confined to South & East areas (with half of this funding relating to Trumpington), with none available in North & West/Central areas.
 - b. There are c£182,000 of specific play provision S106 funds received that are still available. Although some specific contributions for play areas in Cherry Hinton were received in September 2017 (and therefore need to be used by September 2027), most of the specific play provision S106 funds received do not reach their 10-year time limits or 'shelf-lives' until after April 2029.
 - c. Whilst some specific S106 contributions for play area improvements have been received from across the city, the only play areas that have accumulated more than £25,000 are: Petersfield play area (c£50,000) & Coleridge Rec play area (c£26,000).
- 3.12 **Public realm improvements:** Across the whole city, there is only around £69,000 available in Abbey ward and around £15,000 (specifically for traffic modeling) available in West Chesterton. These funds are also subject to important time constraints (i.e., to be contractually committed by March 2025). Officers will liaise with partners to establish whether relevant spend on traffic modelling has taken place during the last ten years which the Council could now reimburse. Proposals for public realm improvements at Harvest Way (Abbey ward) will be developed for the June 2024 S106 report. Officers will keep the relevant local Members informed and involved in these cases, as appropriate.

4. Proposals now being recommended for S106 funding

- 4.1 The previous S106 report in October 2021 had already made clear that the future funding arrangements would need to change. The limited availability of remaining generic S106 funds meant that, in order not to raise expectations in parts of the city where no generic S106 funds remain, proposals would not be invited from residents and community groups from across the city. Instead, the plan was for a more focused approach based on discussions with local Members. Unfortunately, the project delivery backlog has had a knock-on effect, which has delayed a formal programme of discussions with Members. Even so, regular, informal dialogue with councillors has highlighted a number of proposals which can be recommended for funding now and reinforced with further discussions with relevant Members about the details in the coming months.
- 4.2 Recommendation 2.1 highlights three proposals for generic informal open spaces S106 funding, all of which meet the assessment criteria set out in paragraph 3.4.
- 4.3 ***Mature tree-planting programme:*** Arboricultural officers are developing a programme to plant a more diverse range of species in parks and open spaces in Cambridge in order to make the city's tree stock more resilient and to adapt to the impact of climate change. The planting of mature trees would enable them to establish more easily and to provide benefit and enjoyment more quickly.
- a. The aim is to order 9-10 such trees from specialist growers, using around £60,000 of generic informal open spaces S106 contributions, so that these can be contractually committed soon and then planted at appropriate tree-planting times.
 - b. Recognising where the generic S106 funding might come from for these mature trees, possible locations could include East and West Chesterton, King's Hedges, Abbey, Coleridge, Romsey and Trumpington¹⁷.

17. Trees are also already being planted in Petersfield as part of open space improvement projects in that ward (mentioned in appendix A).

- c. This mature tree-planting could be supplemented by the use of some specific S106 contributions relating to Cherry Hinton, Nightingale Avenue (Queen Edith's) and Romsey Recreation Grounds.

4.4 ***Five Trees public open space, East Chesterton:*** This proposal (£10,000 estimate) would improve the main access pathway through this public open space to link between Cam Causeway and Fen Road.

- a. The existing path is little more than a rough track and a source of regular complaint to local ward councillors from adjacent residents and park users.
- b. Rebuilding the path with hoggin or other suitable material would enhance park access and enjoyment by users, and complement recently undertaken improvements to ecology, trees and woodland management, and much-needed local affordable housing nearby.

4.5 ***Romsey Recreation Ground open space improvements:*** A small garden area exists within the recreation ground close to the entrance from Ross Street and local play facilities. It features attractive paving and other surfacing, seating and a raised bed planting area.

- a. This area is popular with local residents and park users but would now benefit from refurbishment to ensure it can continue to be enjoyed for recreation, social and ecological interaction in the years ahead. The project would need to be focussed on providing additional benefit (as opposed to repairs and on-going maintenance, which would not be eligible for S106 funding).
- b. The proposals can be worked up in more detail, based on further discussion with ward councillors and the local community
- c. A budget of up to £11,500 of generic informal open spaces S106 funding is proposed but, if necessary, this could be augmented by around £8,000 of specific S106 contributions for open space improvements at Romsey Recreation Ground and, possibly, a small amount of local S106 funding for play area improvements.

4.6 In addition to these new project proposals, officers have identified the possibility of replacing Environmental Improvement Programme (EIP) funding with generic informal open spaces funding S106 funding for a number of already-agreed open space improvement projects that have

been approved via EIP funding rounds over the last couple of years (see appendix C). This amounts to around £47,600. This could have three key benefits.

- a. It could help time-constrained generic S106 funds to be used on time on eligible local projects.
- b. By freeing up EIP funding, which would be returned to the EIP budget for the appropriate area, it would provide more opportunity for local projects (particularly those not suited for S106 funding) to be funded in 2024-25 (particularly in North and East areas, where EIP funding availability has been running down).
- c. The EIP-approved projects which would now be funded from S106 funding have been proposed by the local community and considered by local councillors.
- d. In addition to the recommendation 2.2 on the replacement of some EIP funding with S106 funding, paragraph 2.3 recommends a further £5,000 of generic informal open spaces S106 funding to the St Alban's Rec Ground biodiversity improvement project, increasing the project budget up to £15,000 in total. Officers advise that this would be sufficient to undertake the open spaces improvements on the site, alongside other environmental works being undertaken as mitigations to address the impact of the Meadows Centre development. However, if the further scoping of this project were to identify a need for further funding for this project at the business case sign-off stage, this could be explored. Ward councillors will continue to be engaged in the development of this project.

4.7 Paragraph 2.4 asks the Executive Councillor to note that relevant specific S106 contributions may be used to supplement new and existing generic S106-funded projects. As mentioned in footnote 4, specific S106 contributions have already been agreed by the Planning Committee (or Joint Development Control Committee) as part of the approval of planning applications, so no further funding authorisation is needed at councillor-level. That said, engagement and consultation with ward councillors and local communities on the details of projects that are funded from specific S106 contributions will continue. The possibility of specific S106 contributions being used as supplementary funding has been mentioned in this report in relation to the Coldham's Common BMX track improvements and environmental enhancements in the vicinity

(paragraph 3.6d), mature tree-planting (paragraph 4.3c), Romsey Rec open space improvements (paragraph 4.5c) and Cherry Hinton Recreation Ground benches (Appendix C and footnote 26).

5. S106 management processes

- 5.1 Paragraph 2.6 features a recommendation for strengthening the Council's S106 management processes, which is being applied to all generic S106 funding across all contribution types. A similar recommendation, in relation to community facilities and outdoor and indoor sports S106 contribution types, was agreed by the Executive Councillor for Communities in October 2023.
- 5.2 Experience of S106 management over the last twelve years has highlighted a concern relating to those projects allocated S106 funding for which there is strong commitment, but which take much longer than envisaged. Attempts to revise proposals to ensure timely use of S106 funds can be resisted as this can be an emotive subject. There is a risk that such attempts could be put off for so long that there may not be enough time to make effective use of some S106 contributions before they reach their time limits/shelf-lives.
- 5.3 To mitigate this risk, the recommendation is about making it easier to consider whether generic S106 funds getting within two years of time limits/shelf lives, which are allocated to projects taking too long to deliver, could be spent more easily and effectively on time by being re-allocated to another relevant/local project.
 - a. A two-year threshold is suggested because, prior to this S106 funding round, the Council has focused on allocating generic S106 funds to projects that could be delivered within 18 months to 2 years.
 - b. This new process does not mean that generic S106 contributions reaching this threshold would automatically be de-allocated from a project. However, it would enable officers to take this step where doing so would reduce the risk of some generic S106 contributions running out of time and no longer being available.
 - c. This process could be incorporated into the Council's existing project management procedures. Cases relating to possible de-allocation and

re-allocation of such time-limited contributions assigned to delayed projects could be considered as a change control request by the Council's S106 Monitoring Board.

- 5.4 Officers are mindful of concerns from ward councillors about the possibility of generic S106 funds being seen to be 'taken away' from their ward.
- a. If generic S106 contributions getting within two years of their time limits/shelf lives did need to be re-allocated to another project that could be delivered on time, it would be to a relevant project which would still provide a clear relationship between where in the city the S106 funding comes from and where it is spent.
 - b. Whilst it is appreciated that de-allocating S106 funding from one project to another relevant one (reducing the amount of S106 funding available for the original project) may be difficult, it would be less difficult than the alternative, as set out in paragraph 6.1.

6. Implications

- 6.1 **Financial implications:** The recommendations in this report are aimed at helping to make sure that S106 funding can be used effectively and in a timely way. If S106 funds cannot be used for their intended purposes or cannot be used or contractually committed on time, developers could ask for unspent amounts to be returned.
- 6.2 **Staffing implications:** The projects recommended for funding will be managed by the Streets & Open Spaces team in the City Services Group. Other managers (including officers on the S106 Monitoring Board and colleagues in Greater Cambridge Shared Planning) are involved to ensure that S106 assessment on criteria and project management requirements are being applied consistently and that advice is sought from relevant services.
- 6.3 **Implications re: equality & poverty; net zero carbon, climate change & the environment; procurement; and community safety:** See the Quality Impact Assessment in Appendix D. This concludes that S106 funding of new or improved infrastructure can make a significant positive impact across local communities that benefit from these

projects. S106-funded open space improvements can benefit everyone by providing better local parks in which to exercise, enjoy leisure time and relax, socialise and appreciate/be inspired by nature/biodiversity, without having to travel further afield. However, there are a number of constraints on the use of S106 funding. A further impact assessment of projects allocated S106 funding will be carried out, as appropriate, as part of the completion of business cases by council officers once S106 funding allocations have been confirmed.

7. Consultation and communication considerations

- 7.1 The recommendations in this report are informed by issues and needs raised by local councillors. The proposals to replace some EIP funding with S106 funding relate to projects which have been proposed by local communities, considered by area committees and agreed by the Executive Councillor.
- 7.2 This report recognises the need for further engagement with Members on proposals for the use of S106 funding for play provision and open spaces ahead of the next S106 report to this Committee in June 2024. It also highlights that there will be further discussion with relevant ward councillors and engagement with local communities on a number of particular projects allocated informal open spaces S106 funding.

8. Background papers

Background papers used in the preparation of this report:

- Report to Environment and Community Scrutiny Committee on “2021 S106 funding Round: Open Spaces and Play Areas” on 7/10/2021.
- Record of decision: Environmental Improvement Programme 2022-23, reported to Environment and Community Scrutiny Committee on 18 January 2024.
- Record of decision: Environmental Improvement Programme 2023-24, reported to Environment and Community Scrutiny Committee on 19 January 2023.

9. Appendices

Appendix A: Progress of S106-funded projects since 2021-22

Appendix B: Analysis of S106 funding availability

Appendix C: Projects already approved under the Environmental Improvement Programme in 2022/23 and 2023/24

Appendix D: Equality Impact Assessment relating to this S106 report and proposals for the use of informal open spaces S106 funding

10. Inspection of papers

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

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APPENDIX A

Progress of S106-funded projects since 2021-22

A1. Completed projects:

Projects	Area	Ward	S106 ¹⁸
Chesterton Rec Ground wheelsports/pump track	North	East Chesterton	£93,500
Trumpington Rec Ground environmental improvements	South	Trumpington	£59,100
Jubilee Gardens: landscaping, access, planting and seating	North	West Chesterton	£46,200
Holbrook Road play area	South	Queen Edith's	£43,100
Robert May Close play area	East	Coleridge	£39,000
Arbury Court play area	North	Arbury	£31,600
Nightingale Avenue Rec Ground: new footpath	South	Queen Edith's	£17,000
Tree-planting in parks in Coleridge ward	East	Coleridge	£15,300
Thorpe Way Rec Ground: new footpath	East	Abbey	£12,800
Parker's Piece tree-planting	West/ Central	Market	£10,000
Coldham's Lane play area: benches, bins noticeboards	East	Romsey	£9,800
Bramblefields LNR additional planting	North	East Chesterton	£6,600
Alexandra Gardens: additional seating	North	West Chesterton	£5,400

A2. On-going projects (to be completed soon): Midsummer Common orchard open space improvements (Market); Five Trees wild-flower and tree-planting (East Chesterton); Accordia open space improvements (Petersfield); bee bank improvements across all four areas of the city.

18. S106 funding has been rounded to the nearest hundred pounds (£)

A3. Projects due to be taken forward: Flower Street play area improvement (Petersfield); Petersfield ward open space improvements¹⁹; Coldham's Common BMX track (Abbey); Pearl Close community garden (East Chesterton)²⁰; information board for Parker's Piece tree planting project (Market ward).

A4. Projects previously allocated S106 funding that are no longer being implemented or which are being scale back

- a. ***Sheep's Green LNR biodiversity bank improvements at Mill Pond (£22,000 de-allocated):*** The riverbank was made safe using revenue maintenance budgets. On exploring the proposal in more detail, the sheet piling, depth of water and winter flows from the adjacent weir meant that a soft engineering approach was not viable or sustainable.
- b. ***Jesus Green ditch biodiversity project (on-going project reduced in scale from £53,000 to around £20,000-27,000):*** water vole surveys identified use by young water voles of the concrete bank that had been proposed for removal. The main reason for not continuing with original proposal was because an unexpected soil infiltration test demonstrated that the new wetland feature would need to be artificially lined. To do so would require the draining of ditch and far greater impact on the water vole population.

Instead, the revised scheme focuses on bank side adjacent terrestrial habitats to support voles and other species. The project delivery will incorporate educational signage (originally allocated a further £7,000 of S106 funding) for educational signage to promote the works done on site and wider Cambridge Nature Network, which is due to be put in place in summer 2024. Any underspend will be de-allocated and use for other relevant S106-funded projects instead.

19. The Flower Street play area improvement project and the Petersfield open space improvement projects are subject to confirmation of the funding allocations by the Director under delegated authority (approved in March 22) in consultation with local Members). Officers are taking stock of councillors' comments.

20. The project to improve the open space at Pearl Close in East Chesterton originally included £2,900 of play provision S106 funding. However, following further discussion with local Members the project was refocussed on around £10,000 of informal open space improvements. The play provision S106 allocation was recycled to help fund the wheelsports/pump track project at Chesterton Rec Ground.

APPENDIX B:

S106 funding availability

Chart 1: Analysis of **informal open spaces** S106 funding availability by ward (see footnote 11)

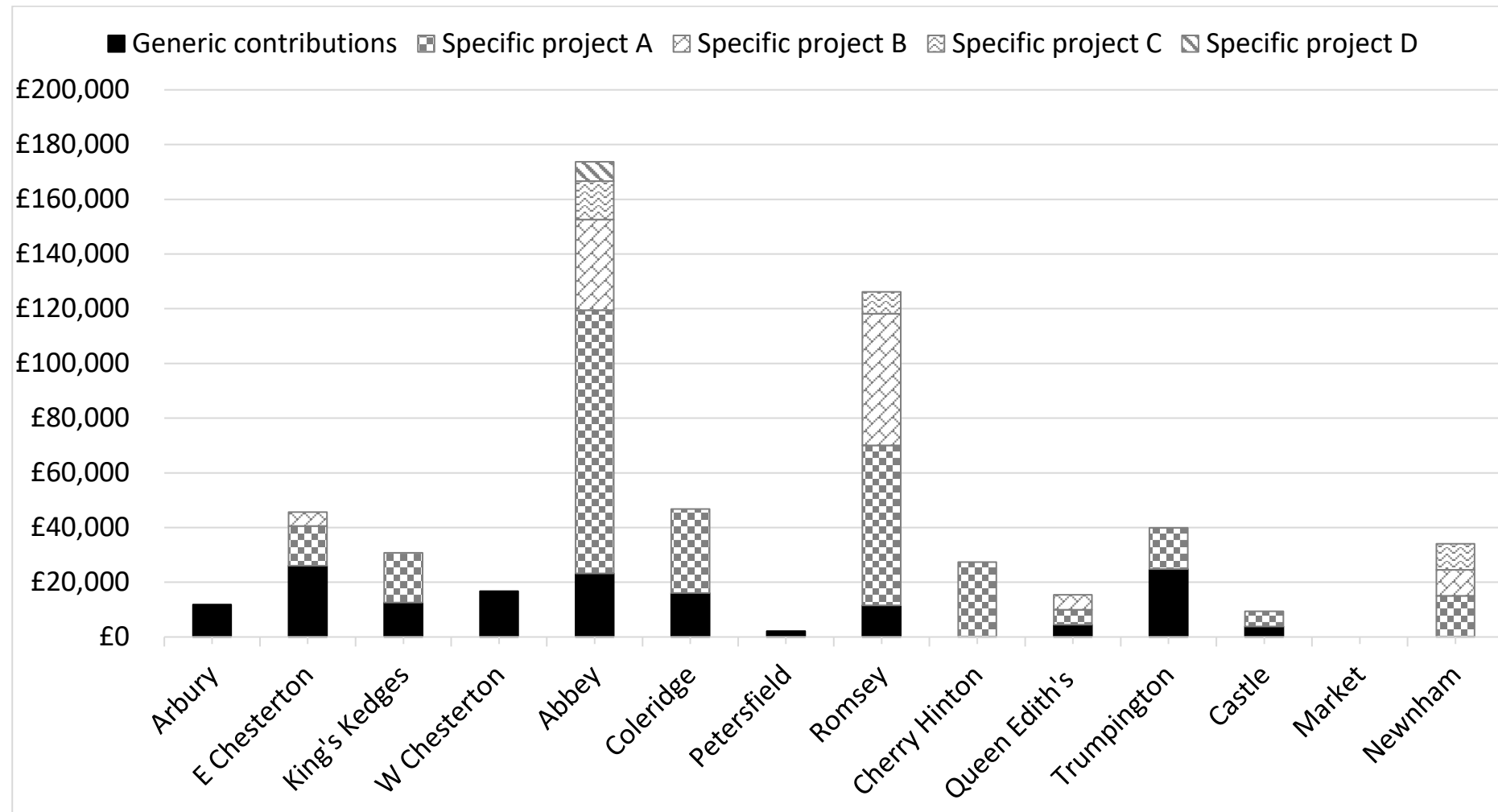


Chart 2: Analysis of **informal open spaces** S106 funding availability by 'use by' date (2024-28)

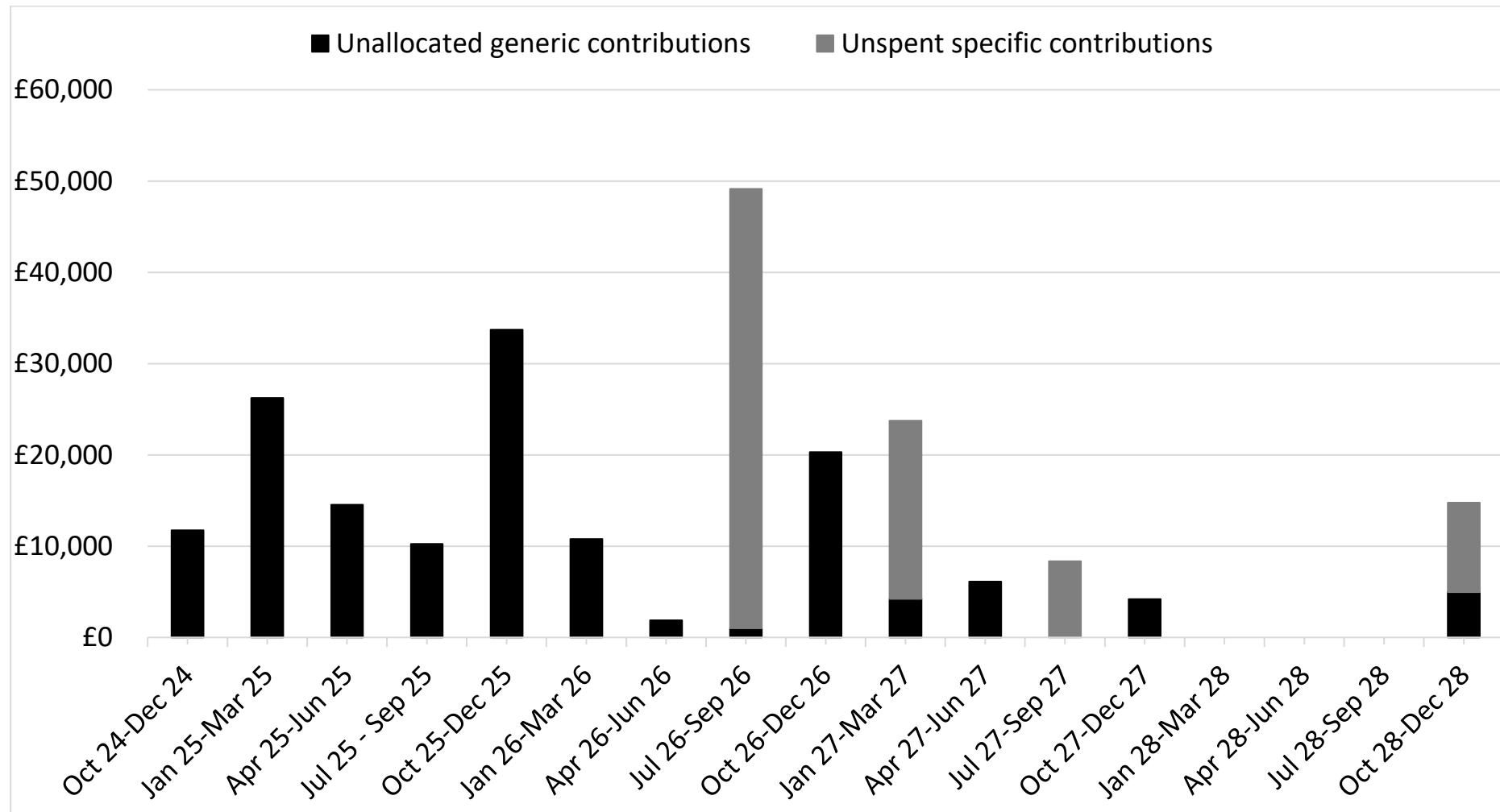


Chart 3: Analysis of **informal open spaces** S106 funding availability by 'use by' date (2029-33)

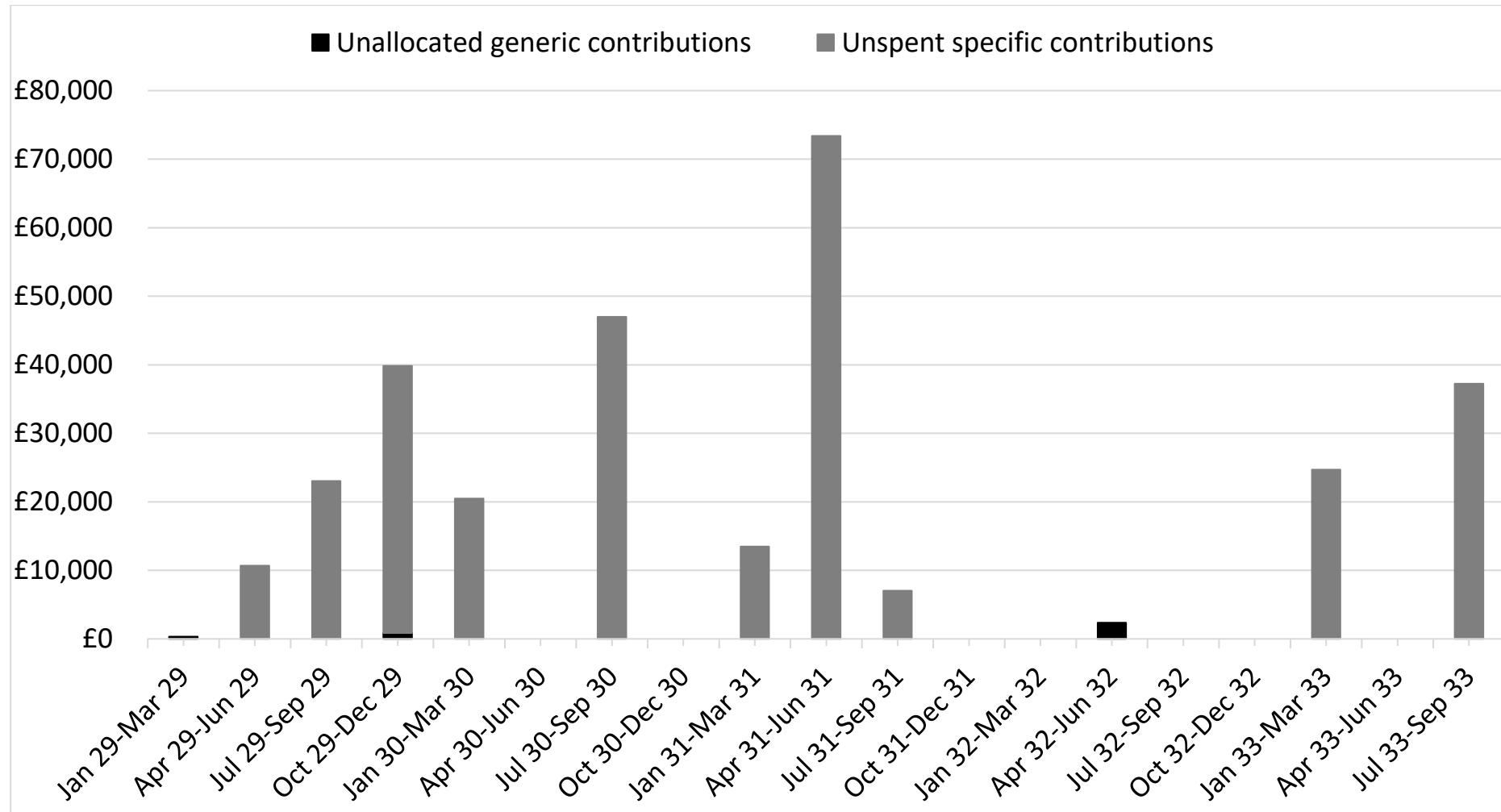


Chart 4: Analysis of **play provision** S106 funding availability by ward (see footnote 11)

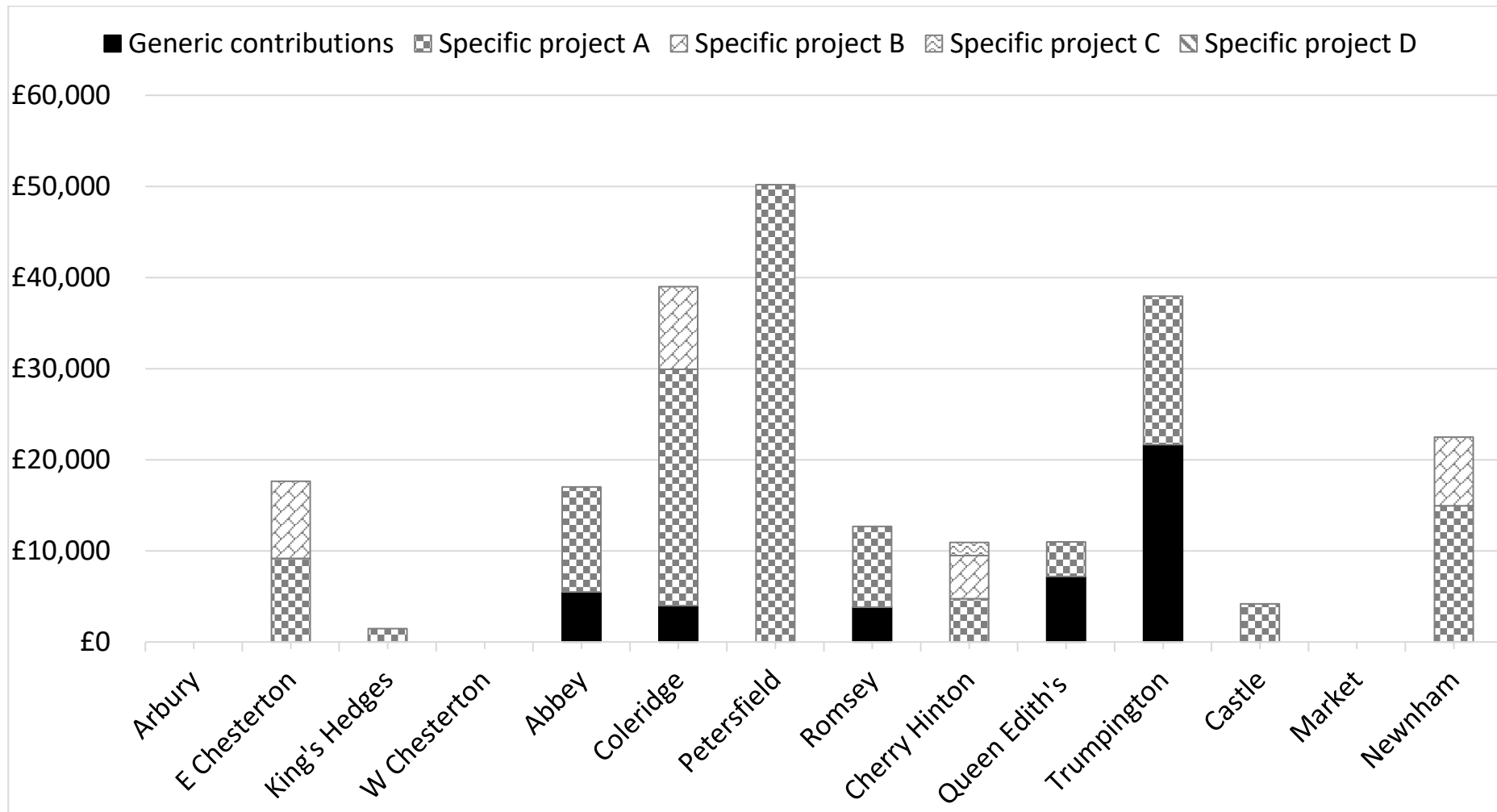


Chart 5: Analysis of **play provision** S106 funding availability by 'use by' date (2024-28)

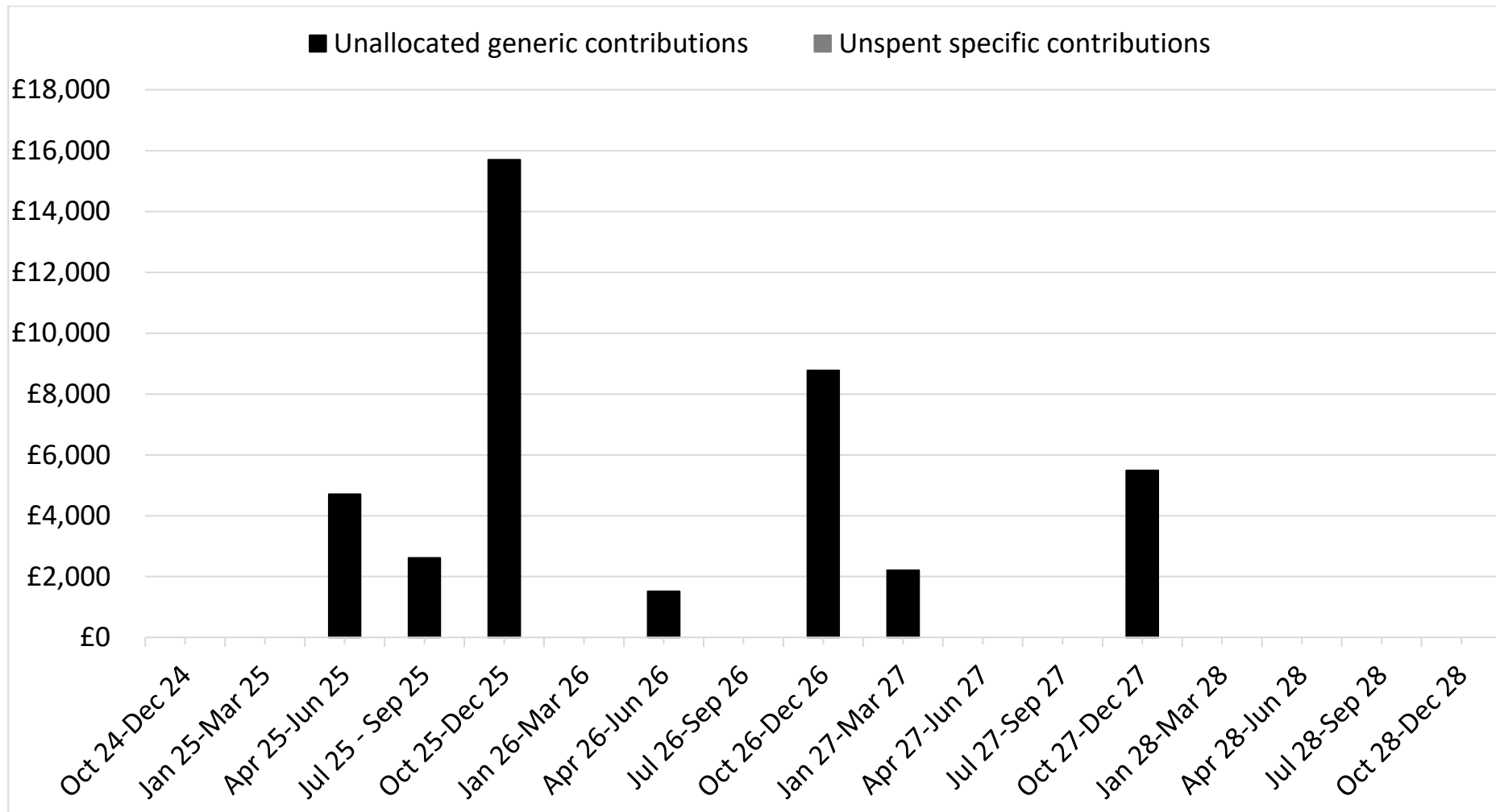


Chart 6: Analysis of **play provision** S106 funding availability by 'use by' date (2029-33)

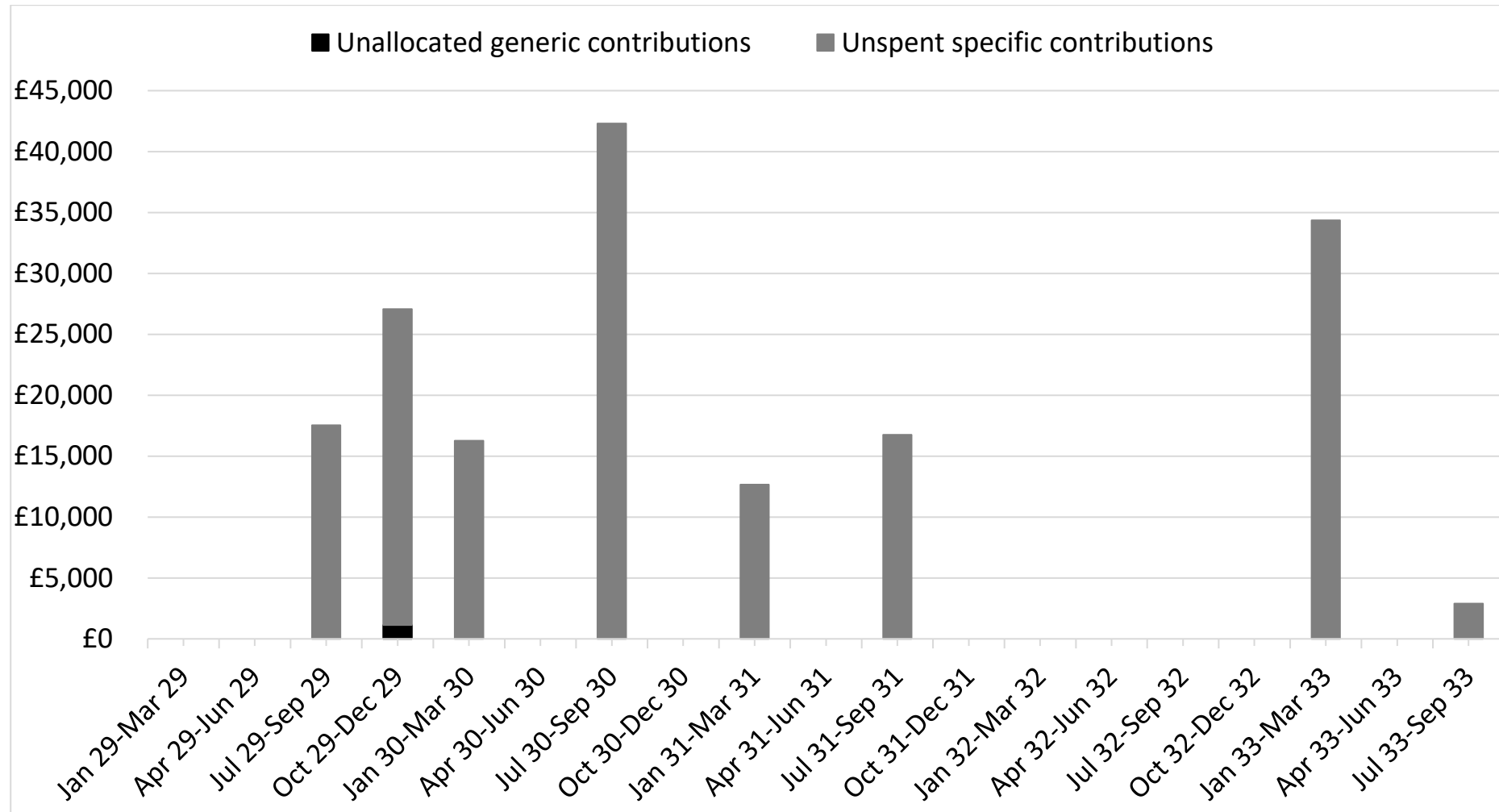


Chart 7: Analysis of **public realm** S106 funding availability by ward

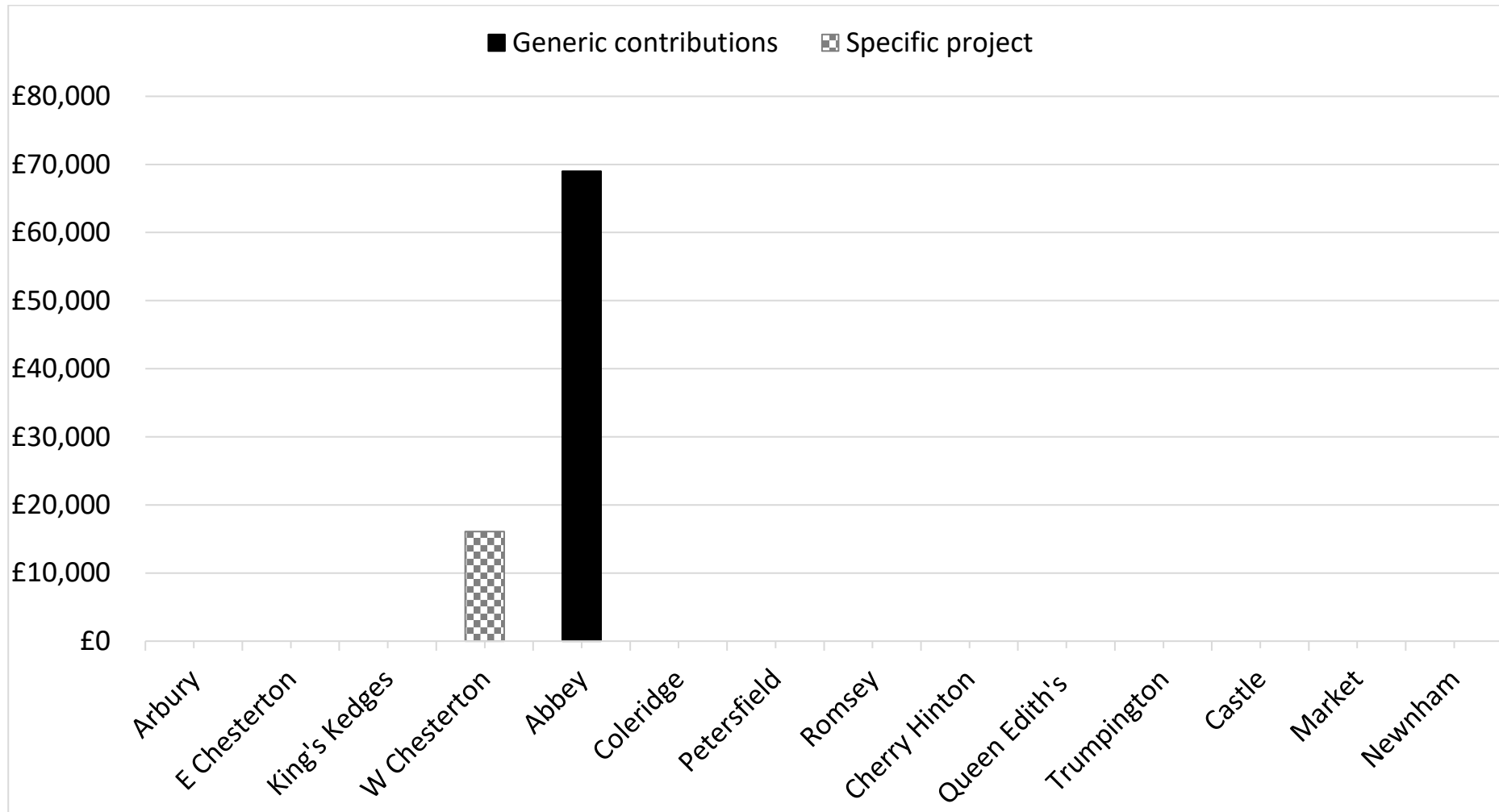
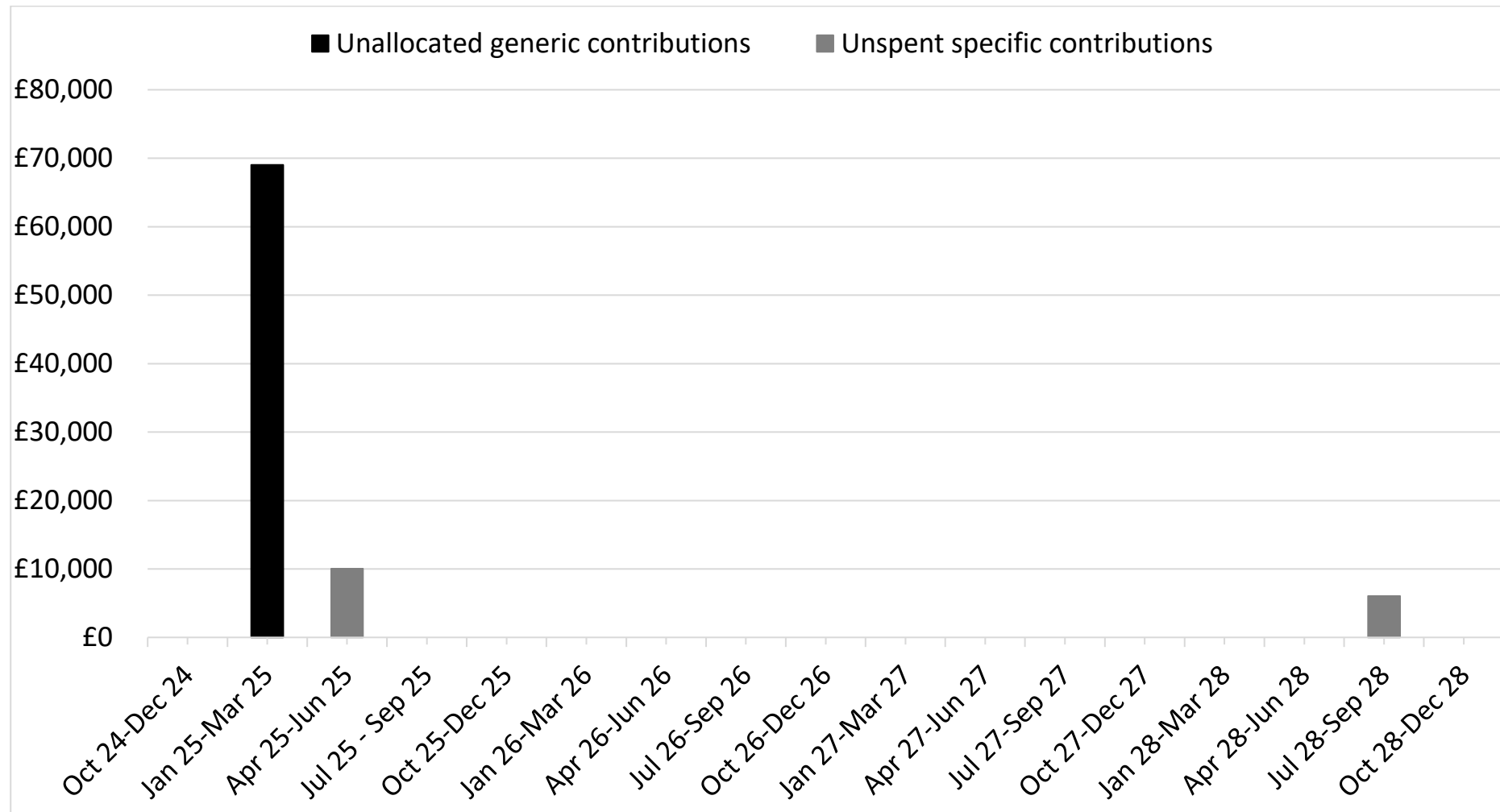


Chart 8: Analysis of public realm S106 funding availability by time constraints for spending



APPENDIX C

Proposals to replace Environmental Improvement Programme (EIP) funding with informal open spaces S106 funding for particular EIP approved projects

Project ²¹	Area	Ward	EIP funding approved in	EIP funding approved	S106 funding proposed
St Alban's Rec Ground biodiversity	North	Arbury	2023-24	£10,000	£6,800 ²²
Chesterton Rec Ground gate	North	East Chesterton	2023/24	£3,000	£3,000
Green End Rec biodiversity	North	East Chesterton	2022-23	£5,000	£3,500 ²³
Logan's Meadows noticeboard	North	East Chesterton	2022-23	£1,600	£1600
Arbury Town Park	North	King's Hedges	2023-24	£20,000	£5,700 ²⁴
Jubilee Gardens benches	North	West Chesterton	2022-23	£1,500	£1,500
Alexandra Gardens biodiversity	North	West Chesterton	2023-24	£4,600	£4,600

21. Funding has been rounded to the nearest hundred pounds (£)

22. This proposal to replace £6,800 of the EIP funding with informal open spaces S106 funding would leave £3,200 of S106 funding still allocated to this project (£10,000 overall). See also paragraph 4.6d, which explains the recommendation to supplement this with a further £5,000 of S106 funding.

23. Towards the informal open space elements of the EIP biodiversity & social interaction project at Green End Road Rec Ground.

24. The proposal to allocate £5,700 of S106 funding to this £20,000 is based on the full remaining availability of informal open space S106 funds from King's Hedges.

Project²¹	Area	Ward	EIP funding approved in	EIP funding approved	S106 funding proposed
Jack Warren Green picnic benches & biodiversity improvements	East	Abbey	2022-23	£3,000	£3,000
Coleridge Rec Ground benches	East	Coleridge	2023-24	£3,500	£3,500
2 x additional benches for Petersfield Green	East	Petersfield	2022-23	£1,802	£1,802
Romsey Rec Ground picnic benches	East	Romsey	2022-23	£3,000	£3,000 ²⁵
Cherry Hinton Recreation Ground benches	South	Cherry Hinton	2023-24	£4,500	£4,500 ²⁶
Nightingale Community Garden biodiversity improvements	South	Queen Edith's	2023-24	£4,350	£4,350
Histon Road Rec Ground biodiversity improvement	West/ Central	Castle	2023-24	£7,000	£3,816 ²⁷

25. Given that some informal open space S106 contributions from Romsey ward have helped to fund improvements to Coleridge Rec Ground, these improvements at Romsey Rec Ground may be funded by S106 funds from Coleridge ward.

26. This may be funded from a specific informal open spaces S106 contributions for open space improvements at Cherry Hinton Recreation Ground

27. The £3,816 is the full extent of remaining generic S106 informal open space S106 contributions from Castle ward.

APPENDIX D

Equality Impact Assessment (EqIA)

1. What does the EqIA relate to?

It relates to an S106 report recommending (mainly generic) informal open space S106 funding for a number of projects, in order to make improvements to Council run/managed public parks and open spaces.

Examples of the sorts of enhancements that can be funded from this S106 contribution type include improvements to: soft landscaping; wildlife habitat creation; drainage/stabilisation of areas within parks that are prone to flooding/get muddy; trees/shrubs; paths/surfacing; fencing/gates; and benches, bins, signs and noticeboards.

2. Webpage link

More information about the Council's approach to S106 funding can be found on the [Developer Contributions](#) web page. In particular, please refer to the [Overview of S106 funding](#) briefing note.

3. What is the objective of the report?

The purpose of S106 funding is, first and foremost, to mitigate the impact of development in line with planning policy, official regulations and the terms of legally binding S106 agreements. S106 funding for a particular contribution type has to be used on projects relevant to that sort of infrastructure improvement (see the examples in answer to Q1).

The S106 funding of new or improved infrastructure can make a significant positive impact across local communities that benefit from these projects. S106-funded open space improvements can benefit everyone by providing better local parks in which to exercise, enjoy leisure time and relax, socialise and appreciate/be inspired by nature/biodiversity, without having to travel further afield.

However, there are a number of constraints on the use of S106 funding. These are set out in answer to Q12 – but it may be helpful to look at those now, before continuing with the rest of this EqIA.

4. Responsible team:
Streets & Open Spaces (City Services Group)

5. Who will be affected by it?	<input checked="" type="checkbox"/> Residents <input checked="" type="checkbox"/> Visitors <input type="checkbox"/> Staff
Cambridge residents, community groups, businesses and those who work in, or visit, Cambridge will all be able to make use of and enjoy the S106-funded improvements to open spaces	

6. What type of change is it?	<input checked="" type="checkbox"/> New <input type="checkbox"/> Major change <input checked="" type="checkbox"/> Minor change
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7. Are other Council teams or partners involved?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Streets and Open Spaces will develop and deliver the S106-funded projects with support and advice from the S106 Monitoring Board, as necessary. This board comprises officers from a number of teams with particular knowledge of planning policy, programme management, financial and legal considerations relating to the use of S106 funding.	

8. Has the report gone to Committee? If so, which one?
This latest report will be considered by the Environment and Community Scrutiny Committee meeting on 21/3/24.

9. What research methods/evidence have you used in order to identify its equality impacts?
Projects proposed for S106 funding are assessed against the Council's S106 selection criteria (see the Overview of S106 funding briefing note). This is primarily focussed on mitigating the impact of development in those parts of the city where relevant S106 funds are available. The assessment also considers how far the proposals would provide additional benefit for all sections of the community and would represent

an effective use of resources (in the context of strategic objectives). As part of this, accessibility issues and people's perceptions of safety are important considerations.

The development of business cases for the delivery of S106-funded projects (following committee scrutiny of recommendations and funding approval by the Executive Councillor) takes account of consultation with users of parks and open spaces as well as the wider local community. The specific equality impacts of particular projects are assessed at that stage. The business case is produced by the relevant project officer and signed off by the project sponsor (senior manager) or the S106 Monitoring Board, as appropriate.

10. Potential impacts

For each category below, explain if it could have a positive/ negative impact or no impact. Where an impact has been identified, explain what it is.

Beyond the general comments in answer to Q3 (about the positive impact that inclusive open space improvements can make for everyone), the following answers give examples of particular considerations that may apply to particular protected characteristic groups.

(a) Age: Please consider any safeguarding issues for children and adults at risk

Improvements to fencing and gates within parks (especially around play areas) can help to keep young children safe.

The provision of park benches can be appreciated by elderly people and others who may value opportunities to sit, rest and relax.

(b) Disability

Footpath and surfacing improvements within parks and open spaces can help to make them more accessible for people with mobility issues and for wheelchair access.

Options such as tactile paving, picnic tables suitable for use by wheelchair users and sensory considerations for those with visual or hearing impairments can also be explored.

The benefits of improved open spaces in which to relax, exercise and appreciate nature can contribute to good mental health.

(c) Gender reassignment

S106-funded improvements need to take account of differences in how far people feel safe in parks and open and spaces (for example, in relation to transphobic hate crime). Landscaping design can help to design out secluded areas where people may feel unsafe. Whilst S106-funded projects can help to some extent, it is important to recognise that S106 funding cannot be used for on-going running costs (see 12e).

(d) Marriage and civil partnership

No specific implications for this protected characteristic group.

(e) Pregnancy and maternity

Footpath and surfacing improvements in parks and open spaces can help people with buggies and pushchairs. Benches and picnic tables can also provide space for pregnant women and new parents to sit and rest with young children.

(f) Race

Note that the protected characteristic 'race' refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

S106-funded improvements need to take account of differences in how far people feel safe in parks and open and spaces (for example, in relation to racist hate crime). Landscaping design can help to design out secluded areas where people may feel unsafe. Whilst S106-funded projects can help to some extent, it is important to recognise that S106 funding cannot be used for on-going running costs (see 12e).

(g) Religion or belief

S106-funded improvements help to make open spaces inclusive places where people of all faiths (and none) can reflect, be inspired by nature and gather together in fellowship.

S106-funded improvements need to take account of differences in how far people feel safe in parks and open and spaces (for example, in relation to religious intolerance/hate crime). Landscaping design can help to design out secluded areas where people may feel unsafe. Whilst S106-funded projects can help to some extent, it is important to

recognise that S106 funding cannot be used for on-going running costs (see 12e).

(h) Sex

S106-funded improvements need to take account of differences in how far people (including women and girls) feel safe in parks and open and spaces. Landscaping design can help to design out secluded areas where people may feel unsafe. Whilst S106-funded projects can help to some extent, it is important to recognise that S106 funding cannot be used for on-going running costs (see 12e).

(i) Sexual orientation

S106-funded improvements need to take account of differences in how far people feel safe in parks and open and spaces (for example, in relation to homophobic hate crime). Landscaping design can help to design out secluded areas where people may feel unsafe. Whilst S106-funded projects can help to some extent, it is important to recognise that S106 funding cannot be used for on-going running costs (see 12e).

(j) Other factors that may lead to inequality

In particular, please consider the impact of any changes on:

- Low-income groups or those experiencing the impacts of poverty
- People of any age with care experience – this refers to individuals who spent part of their childhood in the care system due to situations beyond their control, primarily arising from abuse and neglect within their families.
- Groups who have more than one protected characteristic that taken together create overlapping and interdependent systems of discrimination or disadvantage.

Council-run/managed parks and open spaces are free for individuals and groups of people to use for informal purposes. S106-funded improvements can enhance the enjoyment of those open spaces.

11. Action plan

New equality impacts will be identified in different stages throughout the planning and implementation stages. How will you monitor these going forward? How will you ensure that any potential negative impacts of the changes will be mitigated?

- a. Where possible (and affordable from available S106 funding), incorporate adaptations to the landscaping of parks and open spaces, to reduce the risks of anti-social behaviour and hate crime.
- b. Conduct accessibility assessments to ensure that informal open spaces are inclusive.
- c. Engage with local communities to gather feedback and incorporate diverse perspectives into the design and planning process (particularly as part of the development of business cases for S106-funded project delivery).
- d. Monitor and evaluate the usage of informal open spaces to identify any disparities or barriers faced by particular protected characteristic equality groups and consider appropriate adjustments (albeit that this may require resources other than S106 funding).

12. Do you have any additional comments?

Please be aware of the limitations on the ways in which S106 funding can be used. For example:

- a. The primary purpose of S106 funding is to mitigate the impact of development, not to address pre-existing issues (such as poverty or other types of deprivation) or other issues that have arisen since then (such as the impact of the Covid-19 pandemic).
- b. S106 funding can only be used on improvements relating to the particular contribution type and the purposes for which it is prescribed in S106 agreements. Specific S106 contributions (mainly secured after a change in official regulations in April 2015) can only be used for improvements at the facilities specified.
- c. Official regulations constrain the use of all S106 funds to the provision or improvement of particular facilities or locations that are relevant to the mitigation of the impact of the development from which the S106 contributions derive. Whilst generic S106 contributions tend to be phased in terms of 'for use within the city of Cambridge', in practice, their use tends to be targeted on projects within the same

ward or nearby projects in a neighbouring ward. Or, for S106 contributions from a large-scale major development (which can have a larger impact to be mitigated), it can be appropriate for some of these S106 funds to be used on strategic projects within the same area (i.e., North, East, South or West/Central Cambridge) or on a city-wide project which benefits the whole city.

- d. Suitable mitigation projects can only be funded from S106 contributions where they are affordable from the relevant S106 funds that are available. The remaining availability of S106 funding is unevenly distributed across the city. This is recognised in paragraphs 3.8-3.12 of the S106 report and in Appendix B. This reflects that the amount and type of development (from which it has been possible to secure S106 funding) varies considerably from one ward of the city to another. This availability also takes of the relevant S106-funded projects that have already been funded in different parts of the city (see the photo gallery of examples of [completed S106-funded projects in Cambridge](#)).
- e. Whilst S106 contributions can help to fund the capital costs of relevant new or improved infrastructure, they cannot be used for repairs, maintenance, like-for-like replacements or running costs. S106 funding tends not to be used to fund infrastructure improvements (such as lighting and security cameras in parks) that would generate additional, unfunded/unapproved running costs (e.g., increased electricity bills or additional staffing costs).

13. Sign off

Name and job title of lead officer for this EqIA:

John Richards, Technical & Specialist Services Manager (City Services)

Names and job titles of other people consulted:

Helen Crowther, Equality & Anti-Poverty Officer and Tim Wetherfield, Urban Growth Manager (Policy & Partnerships, Chief Executive's Office)

Date of EqIA sign off: March 2024