

## Item

### **S106 FUNDING PROGRAMME (STREETS AND OPEN SPACES)**



#### **To:**

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

Environment and Community Scrutiny Committee

27 June 2024

#### **Report by:**

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#### **Wards affected:**

All (especially Abbey, Coleridge, East Chesterton and Trumpington)

Non-Key Decision

## **1. EXECUTIVE SUMMARY**

- 1.1 The Council helps to mitigate the impact of housing development on local facilities and amenities using S106 contributions from developers. The Executive Councillor oversees the use of S106 funds secured under the contribution types relating to informal open spaces, play provision for children and teenagers and public realm improvements.
- 1.2 The March 2024 S106 report to this Committee highlighted the need to develop a future programme of S106-funded projects in consultation with local councillors. The aim is to make effective and timely use of remaining generic S106 funds alongside newer specific contributions related to particular locations (see paragraph 7.4, below). The intention had been to present the proposed programme (particularly in relation to the Council's outdoor play areas) in June. However, as this meeting now coincides with the General Election run-up period, it would be more appropriate to report this to the Committee in September instead.

- 1.3 In the meantime, this June 2024 report focuses on those generic S106 contributions across the informal open spaces, play provision and public realm contribution types that need to be spent or contractually committed to relevant projects within the next year or so. It also considers, in the case of play provision, how the use of relevant specific S106 contributions can support the use of these time-limited S106 funds. Allocating these S106 funds to projects now would provide more time for project planning, consultation and procurement.

## **2. RECOMMENDATIONS**

The Executive Councillor is recommended to:

- 2.1 allocate at least £55,000 of generic informal open spaces S106 funds to supplement the Cambridgeshire and Peterborough Combined Authority's grant for a strategic biodiversity improvement project at Logan's Meadow Local Nature Reserve (East Chesterton ward), subject to business case approval (see section 4);
- 2.2 allocate £13,054 of play provision S106 funding for improvements to Lichfield Road play area in Coleridge ward (based on £3,987 of generic contributions and £9,067 of specific contributions), subject to local consultation and business case approval (see section 5);
- 2.3 allocate £37,941 of play provision S106 funding for improvements to King George V Recreation Ground in Trumpington ward (based on £21,671 of generic contributions and £16,270 of specific contributions), subject to local consultation and business case approval (see section 5); and
- 2.4 allocate £69,018 of public realm S106 funds from a development in Harvest Way (Abbey ward) towards public realm improvements in the vicinity of that development, subject to business case approval (see Section 6).

## **3. BACKGROUND**

- 3.1 S106 funds (or developer contributions) are payments from developers aimed at mitigating the impact of housing and other development. The

Council's [Developer Contributions](#) web pages feature an overview document (see relevant extracts in Appendix A) which explains:

- a. the distinction between generic S106 funds and specific S106 funds;
- b. the different types of S106 contribution types (including those for informal open spaces, play provision and public realm);
- c. the Council's selection criteria for the use of S106 funding, which require project proposals to be eligible, affordable, an effective use of the funding available, accessible and realistic, ready and deliverable; and
- d. the allocation of S106 funds (that is, which S106 contributions within the relevant contribution types are used to fund local and strategic projects and the timescales for the use of S106 funding).

3.2 Over the last twelve years or so, Council's generic S106 funding rounds have helped to deliver a wide range of S106-funded projects and make sure that S106 contributions have been used on time. However, the Coronavirus pandemic unavoidably diverted the attention of council officers from bringing forward and delivering projects. This created a 'bottleneck' of generic S106 funds getting closer to their 'use-by' dates<sup>1</sup> in 2024/25 and 2025/26. Whilst the S106 reports in the last nine months have addressed the problem substantially, this helps to explain why there are still some S106 contributions within a year of their 'shelf-life'.

3.3 The S106 funding (Streets and Open Spaces) report to this Committee in March 2024:

- a. took stock of S106 funding availability across these informal open spaces, play provision and public realm contribution types;
- b. provided an update on the progress of a range of projects allocated play provision and informal open spaces S106 funding<sup>2</sup>;

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1. 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.
2. An update on the way forward for the Coldham's Common BMX track improvement project, scheduled for this June 2024 report, will now be included in the September report. Discussions with ward councillors, stakeholders and BMX track users continue.

- c. mentioned that play area and open space improvement projects in Petersfield ward, allocated S106 funding in October 2021 were in the process of being confirmed in consultation with local Members<sup>3</sup>;
- d. recommended the allocation of informal open spaces S106 funding to a mature tree-planting programme across the city<sup>4</sup>; open spaces improvements at Romsey Recreation Ground, the installation of a new footpath at the Five Trees open space (East Chesterton) and using S106 funding instead of/as well as EIP funding for a number of Environmental Improvement Programme projects.

3.4 Alongside the March 2024 S106 funding report, the Committee also received a report on the Outdoor Spaces Play Investment Strategy and the use of a Business Intelligence (BI) platform to identify those existing play area sites with the most potential and greatest need for further investment. This featured an updated audit of the Council's 103 outdoor play areas in Cambridge, including an assessment of the current quantity, quality and accessibility in the context of current and future population growth.

#### **4. INFORMAL OPEN SPACES CONSIDERATIONS**

4.1 In 2022, the Council secured a £280,000 grant from Cambridgeshire and Peterborough Combined Authority to support the creation of significant new open water and reedbed habitats as part of the extension of the Logan's Meadow Local Nature Reserve (LNR) in East Chesterton. This site is identified as one of the Core sites for enhancement within the Council's adopted Biodiversity Strategy. It is also recognised as of strategic significance in the wider Cambridge Nature Network.

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- 3. Open space improvement projects in Petersfield ward, include wildflower meadow and tree-planting and new benches in parks, alongside improvements to play areas at Flower Street and Ravensworth Gardens have since been confirmed. Project delivery is being arranged.
  - 4. The development of the business case has refocussed this project on planting a mature tree in open spaces in all 14 wards in Cambridge, rather than just 9-10 trees across the city. This is likely to be funded from a mix of generic informal open spaces S106 funding and specific S106 contributions for particular parks and open spaces.

- 4.2 The LNR habitat improvement project will enhance biodiversity and public access to the open space. It will benefit species such as water voles, kingfishers and reed warblers and will enhance the existing recreational offer for the community. Support for the project has come from the Friends of Logan's Meadow, local ward councillors and two rounds of public consultation.
- 4.3 The project is ready to be implemented. A contract is in place and works are set to start in August-September, with completion in November 2024. There is a problem, however, in that unavoidable delays while technical issues were resolved meant that a separate source of external project funding has expired. Inflationary pressures have also increased project costs. The Council needs to reduce the budget shortfall (in the region of £100,000), so that the project can go ahead and so that the need to scale back some aspects of the project can be minimised.
- 4.4 Officers are exploring the possibilities for making available generic informal open spaces S106 funding from major developments in East Chesterton and neighbouring wards, which are within a mile of Logan's Meadow LNR. In line with the Council's standard approach (see section 4 of Appendix A), no more than half of the informal open space generic S106 contributions from a major development outside East Chesterton would be allocated to this project<sup>5</sup>. On this basis, paragraph 2.1 of this report recommends that at least £55,000 of generic informal spaces S106 funding be allocated to support this project.
- 4.5 Officers will continue to explore other possibilities for increasing this S106 allocation, whilst making sure that S106 funding is used for its intended purposes and in a timely manner. On-going open space improvements projects in East Chesterton (such as wildflower meadow and tree-planting and the installation of a new footpath at Five Trees open space and the Pearl Close community garden) will still go ahead. At the same time, officers are reviewing whether there is any scope for savings within allocated budgets so that more S106 funding might be diverted towards

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5. The other half of the informal open space contributions from these major developments will be/has been spent of local mitigation projects in the ward from which the S106 contributions have arisen.

the strategic Logan's Meadow LNR habitat enhancement work. Existing projects in other wards, which have already been allocated generic informal open space S106 funding, will also go ahead.

## **5. OUTDOOR PLAY PROVISION CONSIDERATIONS**

- 5.1 The S106 funding (Streets and Open Spaces) report to this Committee in March 2024 outlined that only around £42,000 of unallocated generic outdoor play provision S106 funds were left available in Cambridge. Half of this relating to Trumpington ward, but there is none available in the North and West/Central areas of the city. The bar charts in an appendix to that March 2024 report also alluded to the availability of specific contributions for improving a number of particular play areas across the city.
- 5.2 Appendix B of this latest report provides a breakdown of the generic funding availability by ward and clarifies the amounts of specific contributions collected so far. Paragraph 1.2 has already explained that, in the context of regulations for election run-up periods, it would be prudent to defer consideration of a programme of S106-funded play area improvements until this Committee's meeting in September. Indeed, this would also allow further time for discussion with local councillors in those wards where there is S106 funding available. However, Appendix B of this latest S106 report shows that there are two wards (Trumpington and Coleridge) where some of the generic play provision S106 funds reach their time limits in April and July 2025 respectively. To help these funds to be used on time, it makes sense to consider these two wards now.
- 5.3 Analysis of the Business Intelligence data behind the Outdoor Play Investment Strategy (referenced in paragraph 3.3), alongside input from officers responsible for the upkeep of the Council's 103 sites, indicates that the play areas in those two wards with most potential and greatest need for further investment are at:
  - a. Coleridge: Ashbury Close, Lichfield Road and Coleridge Rec Ground;
  - b. and Trumpington: Huntsman Road and King George V Rec Ground.

- 5.4 The following list of the most recently completed S106-funded play area improvements (in 2021/22) provides an indication of the costs involved.

<b>Play area</b>	<b>Ward</b>	<b>Spend</b>
Holbrook Road play area	Queen Edith's	£43,100
Robert May Close play area	Coleridge	£39,000
Arbury Court play area	Arbury	£31,600

- 5.5 On their own, the generic S106 funds available in Coleridge (£3,987) and Trumpington (£21,671) would not go far. However, if these generic ward amounts were combined with specific contributions for improving a particular play area in the same ward, this would enable more substantial projects, making a greater difference for local children. Taking account of the Business Intelligence analysis, officers recommend combining:

- a. the £3,987 of generic play provision S106 funding in Coleridge with the £9,067 specific contribution for Lichfield Road area, as this would be sufficient to purchase and install a further item of play equipment;
- b. and the £21,671 of generic play provision S106 funding in Trumpington with the £16,270 specific contribution for King George V play area, which would enable a significant enhancement to the site (such as upgraded and additional play area surfacing and equipment).

- 5.6 Allocating these S106 funds now for improvements to these two play areas would provide sufficient time for officers to consult those local communities and their councillors about the particular play equipment and surfacing improvements that could be put in place<sup>6</sup>.

## **6. PUBLIC REALM CONSIDERATIONS**

- 6.1 As mentioned in the March 2024 S106 report, there is £69,018 of generic public realm improvement funds relating to a development on Harvest

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6. If the public consultation and councillor engagement over the play area improvements highlighted a need for other small-scale improvements there (such as fencing close to basketball hoops and football goals at Lichfield Road play area), it might be possible to consider these additional works at the business case stage (provided that sufficient amounts of local S106 funds are available in relevant contribution types).

Way (in Abbey ward, adjacent to the boundary with Petersfield), which has to be contractually committed by March 2025. Whilst it is a generic contribution, the scope for the use of these S106 funds is limited. The Planning Committee report, which made the case for S106 funding to mitigate the development, highlighted the need for the public realm improvements in/around Harvest Way.

- 6.2 Officers are working closely with Greater Cambridge Shared Planning and the Greater Cambridge Partnership to explore the scope for public realm improvements that could be contractually committed by March 2025. Other options for improving the street scene around Harvest Way and New Street (such as upgrading the boundary fence between the road and the allotment) are also being considered. Other measures that could be introduced include improvements to cycle racks in the local vicinity.
- 6.3 Paragraph 2.4 recommends the allocation of these time-limited funds to local public realm improvement works. Project details will be developed further and local ward councillors will be kept informed and engaged.

## **7. IMPLICATIONS**

### **a) Financial Implications**

- 7.1 The recommendations in this report are aimed at helping to make sure that S106 funding received by the Council 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.
- 7.2 The availability of generic S106 funds is reducing and there are also constraints on specific S106 contributions. There are limits on the facility improvements that can be afforded from existing S106 funds. That said, the Business Intelligence analysis will help to inform negotiations with developers over possibilities for seeking financial contributions from new major developments for directly-related existing play areas with the most potential and greatest need for further investment.



## **b) Staffing Implications**

- 7.3 The projects recommended for funding will be managed by the Streets & Open Spaces team in the City Services Group to ensure that effective and timely use of the monies received can be made. The advice of other colleagues will be sought as needed to ensure that requirements are being applied consistently<sup>7</sup>. The team will develop business cases for the projects (setting out more details of project features, costs and delivery arrangements) so that these can be signed off by the project sponsor (a relevant senior manager) or the S106 Monitoring Board, as appropriate.
- 7.4 Making effective use of time-limited S106 funds, alongside other competing pressures and capacity constraints, requires careful programming of which projects are taken forward (and which S106 contributions are contractually committed/spent) when and in which order. In general, S106 contributions with more immediate time limits need to be used first, before those that do not reach the end of their expected shelf-lives until much later. There may, of course, be exceptions – for example, where there is a particular need to improve a particular facility. Officers are also mindful of seeking opportunities to make better use of local generic S106 funding with a shorter shelf-life by supplementing them with the use of relevant specific contributions with a longer shelf-life.

## **c) Equality and Poverty Implications**

- 7.5 See the Equality Impact Assessment in Appendix C. The four projects recommended for S106 funding are aimed at making a significant positive impact across the local communities that benefit from them. Better play facilities (accessible for children of all abilities), more opportunities to appreciate and be inspired by nature and biodiversity, and measures to improve the appearance of local neighbourhoods and make streets feel safer (particularly for active travel) benefit everyone.

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7. This includes colleagues from Greater Cambridge Shared Planning on S106 funding matters and the Council's Corporate Programme Office and the (officer-level) S106 Monitoring Board on business case and project monitoring matters.

#### **d) Net Zero Carbon, Climate Change and Environmental Implications**

- 7.6 The biodiversity improvement project at Logan's Meadow Local Nature Reserve would have a particularly positive environmental impact. Wherever not specifically targeted towards environmental and/ or ecological enhancement gain, projects undertaken will seek opportunities to deliver positive impact in these areas. This includes using environmentally friendly and locally sourced materials, and local labour resource, wherever practicable. As a result, the overall impact of S106 funded enhancements on the environment for Cambridge typically rate as 'Low to Medium positive'.

#### **e) Procurement Implications**

- 7.7 The procurement of services needed will either be in-house or via partners, through existing term service contract arrangements, from specialist named suppliers, or subject to individual competition as appropriate. Procurement regulations will be followed.

#### **f) Community Safety Implications**

- 7.8 S106-funded improvements to local facilities and amenities help to foster increased pride of place and community cohesion amongst both new and existing residents. In developing and delivering these projects, care will be taken to support community safety work (for example, by 'designing out' potential anti-social behaviour and crime, wherever practicable).

### **8. CONSULTATION AND COMMUNICATION CONSIDERATIONS**

- 8.1 In the context of reducing levels of generic S106 funding availability and constraints on the use of specific S106 contributions, the (then) Executive Councillor in October 2021 agreed to focus the engagement over the use of S106 contributions for play provision and informal open space on discussions with Members. The reasons for this approach was to avoid raising public expectations about projects that could be afforded from S106 funding.
- 8.2 Prior to a further S106 report to this Committee in September 2024, officers aim to engage more fully with local councillors in the development

of the future programme of future S106 funded projects. In contrast, this current report has had to be more focussed on helping to make sure S106 contributions that are approaching their time limits within the next year can be used on time. Whilst there has been significant local engagement over the Logan's Meadow LNR habitat creation project, the scope for the use of the public realm S106 contributions in/around Harvest Way is more tightly defined.

- 8.3 Even so, consultation continues to be a key part of the development of S106-funded projects. As mentioned in paragraph 5.6, there will be local community and local councillor consultation on the proposed play area improvements at Lichfield Road and the King George V Recreation Ground, Trumpington. Similarly, paragraph 6.3 commits to engaging and informing local councillors over the next steps in the public realm improvement project in/around Harvest Way.
- 8.4 More information about the Council's management of S106 funds can be found on the Council's Developer contributions website. This includes a [photo gallery](#) of recent improvement projects undertaken across the city and Greater Cambridge Shared Planning's online brochure on the use of [S106 funding in 2022/23](#).

## 9 BACKGROUND PAPERS

Background papers used in the preparation of this report:

- [‘S106 funding round \(Streets and Open Spaces\)’](#) report to Environment and Community Scrutiny Committee, 21 March 2024
- [‘Outdoor play spaces investment strategy’](#) report to Environment and Community Scrutiny Committee, 21 March 2024
- [‘S106 funding round 2021 \(open spaces and play areas\)’](#), report to Environment and Community Scrutiny Comm, 7 October 2021
- [‘Update on the work of key external partnerships’](#) report to Strategy and Resources Scrutiny Committee, 28 March 2022 (especially paragraph 3.3 on page 4)
- [Biodiversity Strategy 2022-2030 - Cambridge City Council](#)

- Planning applications relating to the extension of Logan’s Meadow Local Nature Reserve (planning references 22/04923/FUL and 24/01417/S73), accessible via [View and comment on planning applications \(greatercambridgeplanning.org\)](#)
- [Developer contributions - Cambridge City Council](#)
- [Overview of S106 funding – Cambridge City Council](#)
- [Examples of S106-funded projects in Cambridge, \(February 2024\) - Cambridge City Council](#)
- [‘Investing in Communities: an overview of S106 funding in Greater Cambridge in 2022/23’](#), Greater Cambridge Shared Planning Service, March 2024.

## 10 APPENDICES

Appendix A: Extract from the Council’s ‘Overview of S106 funding’ briefing

Appendix B: Overview of S106 funding availability for play provision

Appendix C: Equality Impact Assessment.

## 11 INSPECTION OF PAPERS

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

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## APPENDIX A

### Extracts from the 'Overview of S106 funding' briefing (featured on the Council's Developer Contributions web pages)

#### 1. Why are S106 contributions collected?

- a. S106 contributions<sup>8</sup> are payments from developers aimed at mitigating the impact of development. New housing/other development<sup>9</sup> leads to more demands on local facilities (e.g., public play areas and open spaces). Where this impact is not addressed through on-site provision, the Council seeks off-site S106 contributions for new/improved off-site facilities in the city.
- b. The use of contributions has to be in line with the relevant S106 agreement and planning policy. Official regulations require them to be: necessary - to make developments acceptable in planning terms; directly related to the development; and fair and reasonable in scale and kind.

#### 2. How are S106 contributions used in Cambridge?

S106 agreements set out the contributions due under various categories<sup>10</sup>. The contribution types under which S106 funds are still available in some parts of the city include:

- **Informal open spaces**<sup>11</sup>: For council-owned/managed parks & open spaces: soft landscaping, habitat creation, drainage, trees/shrubs, paths/surfacing, fencing/gates, benches, bins, signs & noticeboards;
- **Play provision**: New/improved, outdoor public play areas and facilities (City Council-owned/ managed) for children and teenagers, including related safety surfacing;

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8. Refers to Section 106 of the Town & Country Planning Act 1990. The Council mitigates the impact of development by securing S106 funding, instead of operating a Community Infrastructure Levy.

9. New developments of 10 or fewer homes are exempt from S106 contributions.

10. The approach to these contribution types is detailed in the Council's Planning Obligations Strategy SPD. S106 funds for one contribution type cannot be used to fund another type of infrastructure.

11. For use on protected open spaces, set out in the Open Spaces & Recreation Strategy.

- **Public realm:** Improvements to the design of streets, including hard landscaping and better access and safety for pedestrians, cyclists and people with a disability.
- a. All contributions secured by the Council since April 2015 now have to be **specific**, identifying their use for particular projects to mitigate the impact of particular developments. This has to be agreed up-front, within a limited time period, as part of the planning approval process<sup>12</sup>. Beyond major growth sites<sup>13</sup>, the Council has ‘target lists’ of play areas and open spaces where off-site mitigations might be needed, as a starting point for negotiating specific contributions for developments.
  - b. Before April 2015, the Council entered into **generic** S106 contributions (not tied to particular facilities). Choices over where to use these generic funds could be made once they were paid. Most of these have now been allocated or spent. Some S106 contribution types (e.g., play provision and public realm) have particularly low levels of generic S106 funds left available. Those generic S106 funds that do remain tend to be unevenly spread across the city. The search for new projects will focus on those parts of the city where generic S106 funds for particular contribution types are still available.

### 3. How do generic S106 funding rounds work?

The arrangements vary depending on the focus of particular S106 funding rounds, but the selection criteria for assessing proposals tend to highlight the need for projects to be:

- eligible for S106 funding (i.e., within the city of Cambridge and not for repairs and maintenance, like-for-like replacements or running costs);
- affordable within the relevant S106 funds available in particular parts of the city (and not creating extra revenue costs for the council for which there is no budget);

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12 As mentioned in the March 2024 S106 report, 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.

13. For major growth sites, on-site facility provision tends to be negotiated on a case-by-case basis.

- an effective use of resources, which helps to mitigate the impact of development<sup>14</sup>;
- accessible for public use/hire, in line with Council grants and equalities policies;
- realistic, achievable & ready to be delivered; and
- financially viable, with a robust business case and/or management plan.

The relevant executive councillors make generic S106 funding decisions after scrutiny committee consideration, subject to sign-off of project delivery arrangements by managers.

#### **4. Which S106 contributions are used to fund which projects?**

The Council manages S106 funds carefully so they are used for their intended purposes, in a timely way<sup>15</sup> and on projects that are related to the developments from which they arise.

A local project funded from generic S106 funds tends to use contributions from developments in the same ward and/or neighbouring wards that also benefit from it. In terms of strategic uses, up to half the S106 funds from major developments are used to fund relevant projects in the same area of the city (i.e., north, east, south or west/central) and/or projects in another area, which also mitigates the impact of the major development<sup>16</sup>.

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14. First and foremost, it should address needs arising from more homes in the city (not pre-existing needs or the impact of the pandemic). S106 funds cannot be used for overtly profit-making purposes.

15. S106 funds are used within any expiry dates set by S106 agreements. Where none are stipulated, the Council aims to make appropriate use of contributions within 10 years of receipt (or sooner).

16. S106 contributions from a particular ward are not necessarily always spent in the same ward.

## APPENDIX B: Overview of S106 funding availability for play provision

	<b>Generic S106 funds</b>		<i>The figures in this table may change</i>
<b>Ward</b>	Earliest 'use by'	Availability	<b>Specific S106 funds for particular play areas in ward<sup>17</sup></b>
Abbey	November 2027	£5,485	Ditton Fields (£11,537)
Arbury	-	£0	None
Castle	-	£0	Storey's Field (£4,183)
Cherry Hinton	-	£0	Kathleen Elliot Way & Reilly Way (£4,740 each), Tenby Close (£1,454)
Coleridge	July 2025	£3,987	Coleridge Rec (£25,949), Lichfield Road (£9,067)
E Chesterton	-	£0	Chesterton Rec (£8,475), Green End Road (£9,175)
King's Hedges	-	£0	Nun's Way (£1,448)
Market	-	£0	None
Newnham	-	£0	Lammas Land (£7,584), Penarth Place (£14,939)
Petersfield	-	£0	Petersfield play area (£50,184)
Romsey	December 2026	£3,807	Romsey Rec (£8,877)
Queen Edith's	December 2026	£7,174 <sup>18</sup>	Nightingale Avenue (£3,792)
Trumpington	April 2025	£21,671	King George V Rec (£16,270)
W Chesterton	-	£0	None

17. Apart from Kathleen Elliot Way and Reilly Way play areas (which have September 2027 time limits), the earliest time limits for the use of play provision specific S106 contributions in this table is April 2029.

18. This is the amount remaining from a large S106 contribution from a major development in South Area, near both East Area and West/Central Area. As most of this contribution has already been used on a local play area improvement project within Queen Edith's ward, this remaining amount may be considered (in due course) for use on improving a play area of strategic importance in a neighbouring area of the city (in line with Appendix A, section 4).



## APPENDIX C

### Cambridge City Council Equality Impact Assessment (EqIA)

This tool helps the Council ensure that we fulfil legal obligations of the [Public Sector Equality Duty](#) to have due regard to the need to –

- a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

<b>1. Title of strategy, policy, plan, project, contract or major change to your service</b>
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It relates to an S106 report recommending (mainly generic) informal open space, outdoor play area and public realm S106 funding for a number of projects, in order to make improvements to streets, open spaces and play areas in Cambridge.
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<b>2. Webpage link to full details of the strategy, policy, plan, project, contract or major change to your service (if available)</b>
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More information about the Council's approach to S106 funding can be found on the <a href="#">Developer Contributions</a> web page. In particular, please refer to the <a href="#">Overview of S106 funding</a> briefing note.
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<b>3. What is the objective or purpose of your strategy, policy, plan, project, contract or major change to your service?</b>
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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.
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The S106 funding of new or improved infrastructure can make a significant positive impact across local communities that benefit from these projects. Better play facilities (accessible for children of all abilities), more opportunities to appreciate and be inspired by nature and biodiversity, and measures to
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improve the appearance of local neighbourhoods and make streets feel safer (particularly for active travel) benefit everyone.

However, there are a number of constraints on the use of S106 funding. These are set out in answer to Q12.

#### 4. Responsible Team and Group

Streets & Open Spaces, City Services

#### 5. Who will be affected by this strategy, policy, plan, project, contract or major change to your service?

*(Please tick all that apply)*

Residents

Visitors

Staff

Cambridge residents, community groups, businesses staff and others 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 strategy, policy, plan, project, contract or major change to your service is this?

New

Major change

Minor change

#### 7. Are other departments or partners involved in delivering this strategy, policy, plan, project, contract or major change to your service?

*(Please tick)*

Yes

No

Streets and Open Spaces will develop and deliver the S106-funded projects with support and advice from the Greater Cambridge Planning Service, and the Council's 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 on your strategy, policy, plan, project, contract or major change to your service gone to Committee? If so, which one?

Yes; this latest report will be considered by the [Environment and Community Scrutiny Committee meeting on 27/6/2024](#).

**9. What research methods/ evidence have you used in order to identify equality impacts of your strategy, policy, plan, project, contract or major change to your service?**

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 streets 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.

With regards to S106 contributions recommended for play equipment, a Business Intelligence (BI) platform has been used to identify existing play area sites having the most potential and in greatest need for further investment. This investigation included an updated audit of outdoor play provision including an assessment of the play portfolio's current quantity, quality, and accessibility against current and future population growth.

The BI platform has been utilised to rank all 103 outdoor play areas across Cambridge by Tier (1-4; related to their proximity to other sporting and support facilities, accessibility, and population catchment) and further categorised by strategic value to the city's play offer, and condition of the existing equipment. It is proposed that the categorisation of the 103 areas will be used to guide planning officers in future S106 funding considerations – and these future decisions will themselves be subject to EqlAs.

This EqlA also draws on Index of Multiple Deprivation information on Cambridgeshire Insight:

[Cambridge-City\\_1.1.pdf \(cambridgeshireinsight.org.uk\)](#)

## 10. Potential impacts

*For each category below, please explain if the strategy, policy, plan, project, contract or major change to your service could have a positive/ negative impact or no impact. Where an impact has been identified, please explain what it is. Consider impacts on service users, visitors and staff members separately.*

Beyond the general comments in answer to Q3 (about the positive impact that inclusive streets and 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 outdoor play areas and other open spaces provide educational and recreational opportunities for developing young minds, fostering an early sense of social responsibility and supporting community cohesion. Play areas, in particular, invested in provide a broad range of facilities for children of varying ages.

### **(b) Disability**

Footpath, surfacing and signing/ wayfinding improvements in streets and open spaces can help to make them more accessible for people with particular disabilities, including wheelchair use. Provision of safety measures can help reduce anxiety and confidence in using open spaces, so improve mental wellbeing, and also help reduce incidences of hate crime aimed at disabled people. Options such as tactile paving, can also be explored.

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

The outdoor play equipment assessment BI platform in part ranks the 103 play areas by accessibility for disabled people, so it will be a useful assessment to guide planning officers on future decisions on S106 funding. Moreover, in looking at condition of existing play equipment and using this as a criterion to assess priority for works, this could help to improve safety of the equipment - preventing injury that could result in disability.

### **(c) Gender reassignment**

No impact has been identified specific to this protected characteristic group.

### **(d) Marriage and civil partnership**

No specific implications for this protected characteristic group.

### **(e) Pregnancy and maternity**

Footpath and surfacing improvements to streets and open spaces can help enhance access for people with buggies and pushchairs. Secure play areas 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).*

Cambridge is a very multi-cultural and welcoming city, with a broad range of people with different ethnic backgrounds living within individual wards. S106-funded improvements take account of differences in how far people of varying cultural background feel safe in streets 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.

### **(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. Many of the parks and other open spaces invested in and enhanced lay at the heart of local communities and close to places of worship.

Such improvements need to take account of differences in how far people feel safe in streets 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.

## **(h) Sex**

S106-funded improvements need to take account of differences in how far people (including women and girls) feel safe in streets and open and spaces. Landscaping design can help to design out secluded areas where people may feel unsafe.

Officers have been investigating how women and girls can be further encouraged in to recreational and sporting activities and events, including in parks and open spaces - and how the facilities and services available may need to differ. Encouraging participation amongst teenage girls is a particular objective given the potential benefits in mental and physical health and wellbeing, and social inclusion, so important to the development of healthy lifestyles. Women in Sport have commissioned some specific research work around this topic that the Council is a keen participant towards.

## **(i) Sexual orientation**

No impact has been identified specific to this protected characteristic group.

## **(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. The term “Care experience” is a description of a definition in law, it includes anyone that had the state as its corporate parent by virtue of a care order in accordance with the Children Act 1989 and amendments.*
- *Groups who have more than one protected characteristic that taken together create overlapping and interdependent systems of discrimination or disadvantage. (Here you are being asked to consider intersectionality, and for more information see: [https://media.ed.ac.uk/media/1\\_159kt25q](https://media.ed.ac.uk/media/1_159kt25q)).*

Cambridge’s streets and Council-run/managed parks and open spaces are fully inclusive and free for all individuals and groups of people to use for informal purposes, benefitting families in poverty and on low incomes. Many of the parks and other open spaces invested in and enhanced lay at the heart of local communities, and often in areas with high levels of deprivation. S106-funded improvements can enhance the enjoyment of these spaces; providing local and accessible facilities for those most in need, and helping to strengthen community cohesion. No impacts have been identified specifically for people with care experience.

## 11. Action plan

*(New equality impacts will be identified in different stages throughout the planning and implementation stages of changes to your strategy, policy, plan, project, contract or major change to your service. How will you monitor these going forward? Also, how will you ensure that any potential negative impacts of the changes will be mitigated? Please include dates where possible for when you will update this EqIA accordingly.)*

- a. Where possible (and affordable from available S106 funding), improvements incorporate adaptations to streets and open spaces, to reduce the risks of anti-social behaviour and crime.
- b. Conduct accessibility assessments to ensure that informal open spaces are inclusive.
- c. Engage with local members and 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 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?

There are limits to how 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 to the facilities specified.
- c. Official regulations constrain the use of all S106 funding secured 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, its residents, workers and visitors.

- 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 the accompanying S106 report that this assessment supports. This reflects the fact 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: June 2024