

Overview of provision in Ryedale

- 11.1 The preceding chapters have considered the provision of different types of open space, sport and recreation provision across Ryedale. The following paragraphs look at the main issues in each of the market towns and the rural areas across all typologies collectively, providing a starting point for identifying locational priorities.

Malton

- 11.2 Under the Council's emerging Local Development Framework, Malton / Norton will be the main focus for new development. Provision of market town amenity space in Malton and Norton is currently well distributed across the town with at least one site in each residential area. The only area outside of the catchment area for any market town amenity space is Old Malton. All residents in the Malton area are able to access parks and gardens and natural open spaces. Although all residents are able to access natural open spaces and parks within the recommended catchments, consultation highlights that there are perceived shortfalls of more formal park facilities within the urban area of Malton. Delivery of a formal park within Malton should be considered a locational priority.
- 11.3 There are a large number of residents within the town who have to travel further than a 10 minute walk time to reach a children's play area. Deficiencies include the western areas of Malton and the northern areas of Norton. Furthermore, with the exception of the largest site to the north of Malton, all of the existing sites cover a small geographical area in the context of the number of residents within their catchments. This would suggest that not only do accessibility deficiencies exist, but that current sites may be able to sustain higher levels of use. In light of the identified deficiencies in quantitative terms in the Malton area, new facilities located in the areas of accessibility deficiency should be considered a priority.
- 11.4 With reference to outdoor sport facilities, many of the sites within the Malton / Norton area are of a substantial size. Sites are also well distributed across the geographical area. In light of the equitable distribution of outdoor sports facilities, it can be seen that all residents are within the recommended catchment area for an outdoor sports facility. Given that the existing provision of outdoor sports facilities appears satisfactory both in terms of quantity and accessibility, it is important that the focus is placed on improving the quality of existing facilities and ensuring that all sites are fit for the purpose for which they are intended and publicly available.

Pickering

- 11.5 Under proposals in the LDF Spatial Strategy, Pickering will be developed as the main centre for the northern part of the District. This open space, sport and recreation study reveals that there are four large amenity space sites to the north and south of Pickering (and a scattering of smaller sites across the town) that meet the needs of most residents. Consultations highlighted that there are perceived deficiencies in provision and the application of the local standards reveals that there are residents living in the east and west of the town without access to amenity space sites. The existing deficiencies in provision of market town amenity space could be addressed through the provision of local amenity space, or in the form of a more formal park. A lack of a formal park was a key issue throughout consultation with many residents feeling that they should have access to formalised local open space.
- 11.6 In terms of children's play area there are significant residential areas outside of the 10-minute walk time catchment. This is reinforced and heightened by the distribution of

existing sites which are all located to the South and West of Pickering, with no provision to the North or East. Four small sites are located in close proximity to one other, serving very similar catchment areas. In light of the identified quantitative deficiencies and the number of residents currently living outside of the recommended catchment for play areas consideration should be given to addressing the needs of local residents through the provision of new sites.

- 11.7 The north of the town is particularly well served by outdoor sport facilities, as are the central areas, albeit to a lesser extent. Three of these sites in the north are located in very close proximity to one another to the north of Pickering, serving a similar catchment area. As a consequence, it is the residents to the east of Pickering who (whilst able to access facilities) have the smallest quantitative levels of provision. Given that the existing provision of outdoor sports facilities appears satisfactory in terms of accessibility, it is important that the initial emphasis is placed on improving the quality of existing facilities within the area.

Helmsley and Kirkbymoorside

- 11.8 The largest quantitative deficiencies of market town amenity space can be found in the Helmsley and Kirkbymoorside areas of the district. Despite this, provision of market town amenity space is well distributed in Helmsley and all residents are able to access amenity spaces. With the exception of the large site to the eastern side of the town, all spaces are small in size, therefore providing only limited informal recreational opportunities. Although these sites are small in size they are serving large catchments that may potentially exceed that which they should be according to the recommended quantity standard. Residents in Kirkbymoorside in particular are well served in terms of access to natural spaces, with Kirkdale Woods, Hagg Wood and Ravenswick Wood all in close proximity to the settlement.
- 11.9 Despite having only two sites in total, existing provision for children is well distributed in Helmsley, with very few residents outside of the accessibility catchment. Despite this, given that there are only two sites within the town, the number of residents each site is serving should be considered, as it may be that each site is sustaining higher levels of use than should be expected.
- 11.10 Given the good distribution of play areas for children, further provision to satisfy the local quantity standard could be achieved through the expansion of existing sites or alternatively through the delivery of new sites. If new provision is considered necessary, it is residents within the centre of Helmsley who currently have the furthest distance to travel to reach a play area.
- 11.11 Although there is only one site for young people in Helmsley, located to the north of the town, almost all residents are able to access this site within the recommended 10 minute catchment with only those living to the south east of the town falling outside.
- 11.12 In terms of priorities, provision for young people in the south east of Helmsley would help to address the existing accessibility deficiencies and ensure that all residents are within the appropriate accessibility threshold. The area outside of the provision for young people accessibility catchment is shown below. This area should be a priority for new provision in Helmsley
- 11.13 Despite there being only two sites for children in Kirkbymoorside, provision is well distributed with few accessibility deficiencies. The multi-purpose site at Old Road that includes equipped children's play space and also a skatepark for older children offers a significantly wider variety of facilities than the Ryedale View site, which currently only includes a swing and a seat. Therefore in reality residents to the west of the town are

more poorly served than residents living to the east. Although the facility at Old Road is located on the eastern side of the town, the majority of residents are within the recommended distance of the facility for young people. Only those living to the North West of Kirkbymoorside are outside of the catchment.

- 11.14 In terms of priorities for new areas, further provision in areas outside of the accessibility catchment to the west of the town would have substantial benefits in terms of the quantity and accessibility of this typology. The expansion of the Ryedale View site should also be considered to ensure that equal opportunities are provided to all residents.
- 11.15 In terms of outdoor sport facilities, Helmsley Sport and Recreation Club is the only facility located in the town of Helmsley. This equates to 1 facility per 1560 population (2001 Parish Populations), a ratio which is lower than both Malton / Norton and Pickering. The site is located on the northern periphery of the town. Given this location, it can be seen below that some residents to the south west are outside of the recommended 10 minute walk time.
- 11.16 There are currently three outdoor sport facilities within Kirkbymoorside – the Golf Club, the Community Primary School and the Sportsfield. This equates to a level of provision of 1 facility per 960 population (2001 Parish Population of 2880). Despite there being only three sites, the distribution of these facilities (one to the north, one to the east and one to the west) across Kirkbymoorside ensures that all residents are within a 10-minute walk time of an outdoor sports facility. Given that the existing provision of outdoor sports facilities appears satisfactory both in terms of quantity and accessibility, it is important that the Council focuses on improving the quality of existing facilities within the area to ensure that these sites are able to sustain the recommended level of use.

Smaller Settlements

- 11.17 In rural areas such as Ryedale, village populations can be very low and there are significant distances between different settlements. At the same time, it is not possible for every settlement to have provision for children and young people. Moreover, due to the age range and quantity of people living within some villages it would not necessarily be desirable to provide a facility of a small nature across all settlements. In such circumstances, village greens and informal play spaces can serve a similar function to formal play provision in some rural settlements (size permitting). Instead some forms of provision tend to be located only in larger settlements.
- 11.18 With respect of outdoor sport facilities, it can be seen that there is a good distribution of facilities across the rural analysis areas. Furthermore, analysis of the drive time accessibility catchments shows that almost all residents living within the rural settlements of the plan area are within a 15-minute drive of an outdoor sport facility. While the need to drive to facilities in the rural area is recognised, where possible, sustainable transport should be encouraged.
- 11.19 In light of the good spatial distribution of existing provision in the rural areas, it could be considered unfeasible and unnecessary to deliver additional facilities in settlements where there is currently no provision (particularly given the restraint policy on housing growth and subsequent reduction in the scope for developer contributions and other investment opportunities in these areas). However, where provision is considered appropriate this should be in the context of existing population and demographics, the nearest provision of outdoor sport facilities in surrounding settlements, the local demand for outdoor sports facilities, and potential for delivery.

- 11.20 Consultation highlights that there are mixed opinions regarding the overall quantity of public open space in villages. Many residents indicated that there is no public open space available within their settlement. It is important to consider village amenity space in the context of other types of open space provided in villages, such as outdoor sports facilities and provision for children. The roles of all of these spaces overlap in these rural areas and it may be in some instances that one space performs a variety of roles and meets all local needs.
- 11.21 The recommended quantity standard aims to ensure that all villages containing over 150 residents provide at least one type of open space for local residents ensuring that residents within the larger villages are able to access facilities in close proximity to their home. The importance of the provision of a good network of public rights of way is also reinforced, ensuring that residents are able to access nearby countryside and other settlements as well as the more local spaces in their specific village.
- 11.22 In light of the nature of village amenity space, no accessibility standard is recommended, as these local spaces are perceived to serve all residents of the village in which they are located. Analysis of the distribution of village green spaces suggests that provision is well dispersed across the more rural areas of the district. More detailed analysis highlights some settlements where village amenity space is of particular importance and value to local residents as it is the only type of space in that area.

Planning overview

Guidance for the implementation of Section 106 contributions

Introduction

- 11.23 The purpose of this section is to provide recommendations on how local standards, established through the audit and analysis in undertaking the assessment, can be linked to determining developer contributions. Priorities and existing deficiencies in each area of the district have been summarised above.

Background

- 11.24 Section 38 of the Planning and Compulsory Purchase Act 2004 states that for the purposes of any area in England other than Greater London, the development plan is:
- the Regional Spatial Strategy (RSS) for the region in which it is situated, and
 - the Development Plan Documents (DPDs) which have been adopted or approved in relation to that area.
- 11.25 Whilst not part of the statutory development plan, local planning authorities can also produce Supplementary Planning Documents (SPDs) that expand upon the policies and proposals in the development plan. Alongside the DPDs these form the Local Development Frameworks (LDFs) that the new legislation demands. This open space assessment forms part of the evidence base to ensure that the policies and proposals in the LDF are sound.
- 11.26 Ryedale Local Plan was adopted in March 2002. The policies within the Local Plan continue to form part of the development plan whilst the Council progresses with work on its LDF. Local authorities have a minimum of three years to complete this transitional process.

- 11.27 The Local Development Scheme (LDS) outlines the programme for preparing the documents that will form the LDF. The following Local Development Documents will be produced within the next three years –
- Core Strategy Development Plan Document
 - Proposals Map Development Plan Document
 - Statement of Community Involvement
 - Helmsley Conservation Area Appraisal Supplementary Planning Document
- 11.28 Additionally, work on the following Local Development Documents will be undertaken in the next three years –
- Housing Land Supply Development Plan Document
 - Employment Land Supply Development Plan Document
 - Malton and Norton Action Area Development Plan Document
- 11.29 Included within the next ‘round’ of documents to be produced (effectively a ‘reserve’ list of documents) is a SPD on Developer Contributions.

Planning contributions

Strategic context

- 11.30 Planning obligations are typically agreements negotiated between local authorities and developers in the context of granting planning consent. They provide a means to ensure that a proposed development contributes to the creation of sustainable communities, particularly by securing contributions towards the provision of necessary infrastructure and facilities required by local and national planning policies.
- 11.31 The framework for the current system of planning obligations in England is set out in section 106 (s106) of the Town and Country Planning Act 1990 (as substituted by the 1991 Act). Under the new planning system, provisions have been made in the 2004 Planning and Compulsory Purchase Act to make legislative changes to the developer contributions system. However, in the interim period the Government has decided to provide further advice on working within the current system by publishing a Planning Obligations Circular 05/2005 whilst it considers further reforms. Further “good practice” guidance on the implementation of developer contributions has recently been published.
- 11.32 Section 106 provides that anyone with an interest in land may enter into a planning obligation enforceable by the local planning authority. Such an obligation may be created by agreement or by the person with the interest making an undertaking. Such obligations may restrict development or use of the land; require operations or activities to be carried out in, on, under or over the land; require the land to be used in any specified way; or require payments to be made to the authority either in a single sum or periodically.

Planning Policy Guidance Note 17: Planning for Open Spaces, Sport and Recreation

- 11.33 PPG17, published in 2002, emphasises the importance of undertaking robust assessments of the existing and future needs of local communities for open space, sport and recreational facilities.
- 11.34 Local authorities should use the information gained from their assessments of needs and opportunities to set locally derived standards for the provision of open space, sports and recreational facilities.
- 11.35 With regards the use of planning obligations, paragraph 33 of PPG17 states; "Planning obligations should be used as a means to remedy local deficiencies in the quantity or quality of open space, sports and recreation provision. Local Authorities will be justified in seeking planning obligations where the quantity or quality of provision is inadequate or under threat, or where new development increases local needs. It is essential that local authorities have undertaken detailed assessments of needs and audits of existing facilities, and set appropriate local standards in order to justify planning obligations."

Assessing needs and opportunities: A companion guide to PPG17

- 11.36 Whilst the advice within the companion guide was written at a time when the guidance on developer contributions was contained with Circular 1/97, its' recommendations on the implementation of developer contributions are still highly relevant.
- 11.37 Diagram 1 of the Companion Guide outlines a recommended approach of how to deal with the redevelopment of an existing open space or sports / recreation facility, using developer contributions and planning conditions.
- 11.38 Crucially para 9.1 states that if authorities have undertaken assessments of need and audits of existing facilities compliant with PPG17, locally determined provision standards will meet the tests of reasonableness set out in para 7 of DoE Circular 1/97, Planning Obligations. Whilst Circular 05/2005 has superseded this circular, the reference to "reasonableness" remains.
- 11.39 The Companion Guide states that additional provision will be needed when the total amount of provision within the appropriate distance threshold of the site is or will be below the amount required in the area following the development. The decision as to whether on-site provision or a contribution to off-site provision will be more appropriate depends primarily on whether the total quantity of each form of new provision required as a result of the proposed development is above the minimum acceptable size in the adopted provision standards. If it is, then new provision should normally be on-site; if not, the developer would usually be required to contribute to off-site provision.
- 11.40 Before seeking contributions to off-site provision, authorities should be satisfied that they will be able to use them within the distance threshold of the proposed development site. If they do not use them within an agreed time frame, developers are able to submit an s106 application for their return. This underlines the importance of ensure planning obligations are implemented or enforced in an efficient and transparent way, in order to ensure that contributions are spent on the intended purposes and that the associated development contributes to the sustainability of the surrounding area. This will require monitoring by the local planning authority.

11.41 Whilst the Council will be justified in seeking contributions for the full range of open space sport and recreation facilities for which they have adopted provision standards, in practice they will have to be realistic and in many instances prioritise within the findings of the local needs and audit assessment findings.

Circular 05/2005: Planning Obligations

11.42 This Circular replaces the Department of the Environment Circular 1/97, with the changes only concerning the negotiation of planning obligations. This Circular will act in the interim period before further reforms are brought forward.

11.43 Planning obligations are intended to make acceptable development that would otherwise be unacceptable in planning terms. They may be used to:

- prescribe the nature of a development (eg proportion of affordable housing)
- compensate for loss or damage created by a development (eg loss of open space)
- mitigate a developments impact (eg through increased public transport provision).

11.44 Planning obligations should only be sought where they meet all of the following tests:

- relevant to planning
- necessary to make the proposed development acceptable in planning terms
- directly related to the proposed development
- fairly and reasonably related in scale and kind to the proposed development; and
- reasonable in all other aspects.

Planning Obligations: Practice Guidance (July 2006)

11.45 This DCLG practice guidance aims to provide local planning authorities and developers with practical tools and methods to help the development, negotiation and implementation of planning obligations. It is accompanied by a model s106 agreement prepared by the Law Society. The guidance relates directly to sections of Circular 05/05 Planning Obligations. It covers the following issues:

- types of contribution, including maintenance payments and pooled contributions
- policies in Regional Spatial Strategies, Local Development Frameworks, and the roles of Supplementary Planning Documents
- improving processes of negotiation, by the use of applicant / stakeholder guides and setting local authority service standards
- developing formulae and standard charges, and the need to assess the impact and costs of proposals in order to inform such charging;

- the Law Society model agreement, which is intended to form a template from which authorities can select relevant sections;
- the use of third parties to validate and mediate agreements;
- the role of community involvement, and responsibilities of authorities under the Freedom of Information Act 2000;
- unilateral undertakings; and
- improvements to ways of managing and implementation of planning obligations, including the use of performance bonds.

Plan Led System

- 11.46 Planning obligations can be in kind or in the form of financial contributions. Policies on the types of payment, including pooling and maintenance payments should be set out in Local Development Frameworks. Developers should be able to predict as accurately as possible the likely contributions they will be asked to pay.
- 11.47 Development Plan Documents should include general policies about the principles and use of planning obligations, for example, matters to be covered by planning obligations and factors to take into account when considering the scale and form of contributions.
- 11.48 More detailed policies applying the principles set out in the Development Plan Document, for example, specific localities and likely quantum of contributions, should then be included within Supplementary Planning Documents. Depending on the scope of the SPD, the Council may wish to also consider the development of codes of practice in negotiating planning obligations, so as to make clear the level of service a developer can expect.

Maintenance

- 11.49 Where contributions are secured through planning obligations that are predominantly for the benefit of users of the associated development, it may be appropriate for the development to make provision for subsequent maintenance. Such provision may be required in perpetuity. (For example, children's play areas to serve a new housing development)
- 11.50 However, when an asset is intended for wider public use, the costs of subsequent maintenance should normally be borne by the authority. Where contributions to the initial support are necessary, maintenance sums should be time limited and should not be required in perpetuity. (Such as outdoor sports facilities, which will serve a wider area)

Pooled contributions

- 11.51 Where the combined impact of a number of developments creates the need for infrastructure, it may be reasonable for the associated developer contributions to be pooled. In addition, where individual development will have some impact but is not sufficient to justify the need for a discrete piece of infrastructure, local planning authorities may seek contributions towards specific future provision. This can be determined through the application of the quantity standards and the agreed accessibility thresholds set out in this study. However, a degree of certainty is needed that cumulatively, sufficient developments will come forward in that locality

within an agreed time frame or else the contributions will need to be returned to the developer. This should be closely linked to emerging Local Development Framework work on site-specific allocations and known areas of significant development.

- 11.52 Alternatively, in cases where an item of infrastructure necessitated by the cumulative impact of a series of developments is provided by a local authority before all the developments have come forward, the later developers may still be required to contribute the relevant proportion of costs. Therefore it is recommended that the Council develops a strategy for the provision of new open space, sport and recreation as required, ensuring contributions are maximised in areas which are known to have a quantitative shortfall and where housing growth is expected.

Formulae and standard charges

- 11.53 Local authorities are encouraged to employ formulae and standard charges where appropriate as part of their framework for negotiating and securing planning obligations. The benefits to the system are as follows:

- speed up the negotiation process
- ensure predictability
- promote transparency and
- assist in accountability.

- 11.54 Standard charges and formulae applied to each development should reflect the actual impacts of the development or a proportionate contribution.

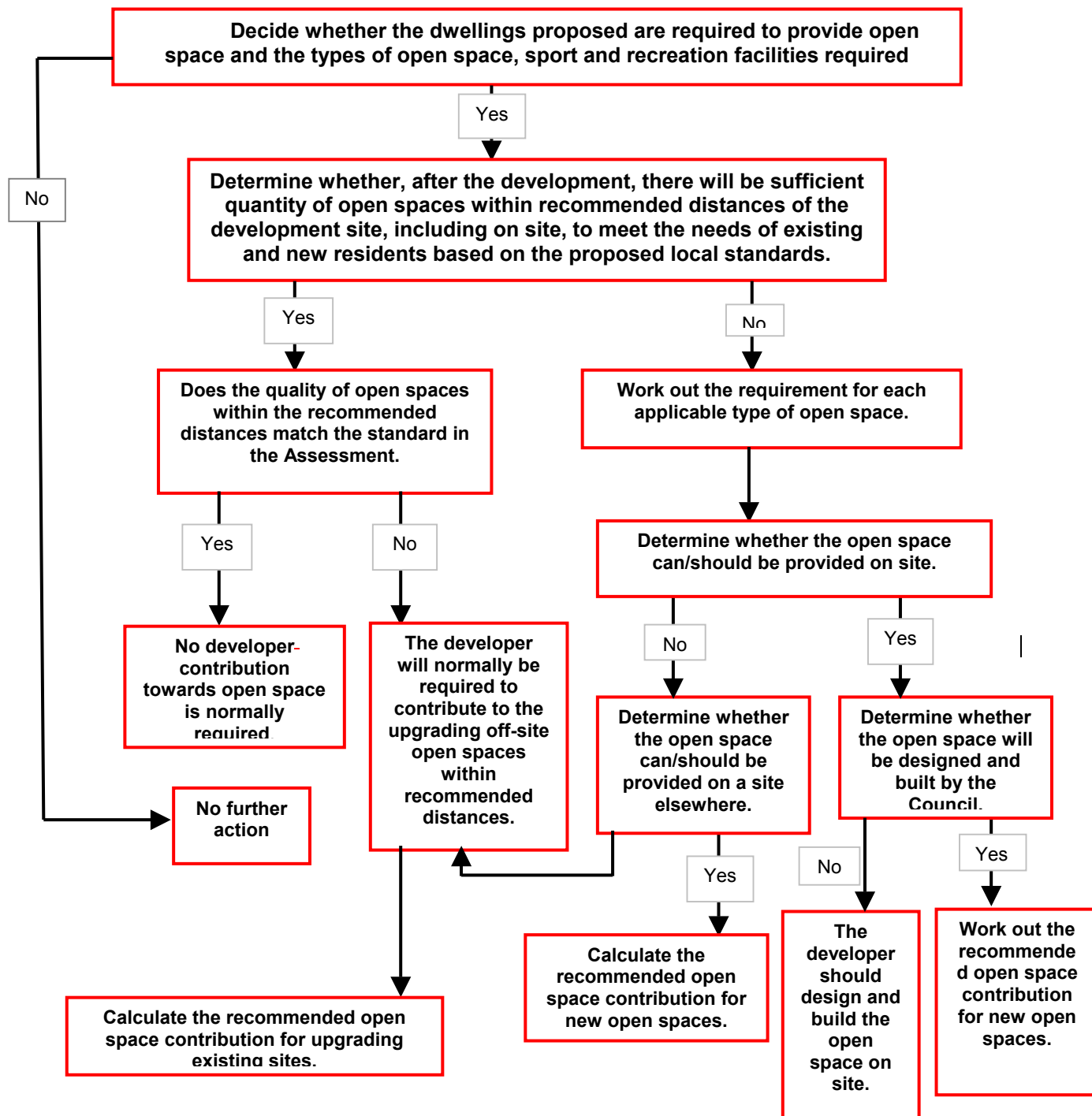
Revisions to the Developer Contributions system

- 11.55 Government policy about developer contributions has been under review in recent years, desiring to speed up the process and improve transparency and reduce uncertainty. The Government has been examining the possibility of augmenting site-specific agreements with tariffs where developers can opt to pay a prescribed contribution (optional planning charge) set out in a plan as an alternative to negotiation obligations.
- 11.56 Planning obligations have become a prominent feature of land use policy because they enable local authorities to agree significant benefits from developers that go beyond compensating third parties for the negative externalities and have become something of an informal tax on land betterment. In a review of housing supply for the government, economist Kate Barker recommended that planning obligations should be scaled back and restricted to dealing with the mitigation of development impact and to agreeing affordable housing contributions. A tax – planning gain supplement – would be used to extract some of the windfall gain and the majority of the money returned to local authorities to finance strategic infrastructure requirements. The Government has accepted Barker’s recommendations and consulted on the proposed planning gain supplement (PGS), indicating that this might well come into force in the near future. The consultation documents reveal that open space would continue to be considered under planning obligations but leisure facilities would be considered under the scope of the PGS.

Policy assessment and guidance for the implementation of Section 106 contributions

- 11.57 The following flow diagram is based on the review of guidance and provides a step-by-step process for determining developer contributions. This is intended as a guide for Ryedale to inform the process for determining developer contributions and forms the structure of the rest of this planning overview section.

Figure 11.1 - Proposed Process for Determining Open Space Requirements (adapted from Swindon Borough Adopted SPG: 2004)



Determine whether the dwellings proposed are required to provide open space

11.58 The first key stage detailed within the flow diagram is to determine whether the dwellings proposed are required to provide open space and what types of open space, sport and recreation facilities will require developer contributions. The following table provides a summary of the approach taken by other authorities:

Number and type of dwellings	
Tynedale Council	Applied to all new dwellings. Requirements for outdoor sports are only applied to three dwelling developments and above.
Mid Devon Borough Council	All new developments to contribute to the provision of open space including single dwellings, tied accommodation, elderly persons units, conversions, flats, maisonettes and permanent mobile homes. Exceptions to this are replacement dwellings, extensions, wardened accommodation, nursing homes or similar institutional developments and temporary mobile homes. Affordable housing schemes can be unviable if required to contribute to open space provision but still incur a demand. The onus is on the developer to demonstrate that open space contributions would make the scheme unviable.
Fareham Borough Council	Most types of residential development are considered to generate demand for all categories of open space. This includes market housing, new build dwellings, affordable housing, permanent permissions for mobile homes. This excludes one for one replacement dwellings, extensions and annexes. Only specific types of open space are required for elderly accommodation (active/less active/least active) and a case by case basis is applied to specialist accommodations e.g. hostels and conversions or sub-division of dwellings.
Milton Keynes Council	Applied to 10 dwellings or more Most types of residential development will generate additional demand on open space. The SPG includes a table to assess whether open space is required for each type of dwelling. Open Market housing/flats and affordable housing are required to contribute to all types of open space. Housing for active elderly excludes a requirement for playing fields, local play areas and neighbourhood play areas. Excludes extensions, replacement dwellings, nursing homes and substitute house types.
Leicester City Council	Applies to all new residential development including flats, maisonettes, student accommodation
Cambridge City Council	Open space required for developments of 10 and above dwellings and open space requirement is applied to all new build self-contained residential units and conversions or change of use
Hinckley and Bosworth Borough Council	Requires provision of some form of open space for all residential dwellings. Non-residential development may have an impact on existing open space and a financial contribution may be sought for facilities such as footpath lighting.

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- 11.59 In general the approach taken to affordable housing is to include a statement within the guidance stating that affordable housing schemes will require the same level of provision as open market housing but where it can be demonstrated that this would lead to the scheme being unviable, the level of provision required can be reduced.
- 11.60 The existing approach undertaken by Ryedale District Council is set out in Local Plan Policy H14 – Public open space in residential developments. It states that 0.26 hectares of open space per 100 population will be required in any residential development of 10 or more dwellings within the market towns or 5 or more dwellings elsewhere. Where it is not considered appropriate to provide the open space on the site itself, the District Council may accept a financial contribution towards the provision of a larger area of open space or towards the costs of upgrading existing nearby facilities that can be used by the residents of that development elsewhere within the settlement.
- 11.61 For most housing sites the Council will seek to divide the 0.26 hectares / 100 population requirements as follows – 0.18 hectares per 100 population for the youth and adult use, 0.03 hectares / 100 population for children’s play areas and 0.05 hectares / 100 population for amenity / casual / informal play space.
- 11.62 Based on the review of existing guidance, it is recommended that the following approach be taken:
- continue to base the nature and scale of obligations sought from development on the size of development and the impact on open space, sport and recreation provision ensuring that all developments (1 dwelling +) could make a proportionate contribution if an area has a quantity deficiency within the relevant accessibility catchment. This may be particularly important in the rural area where the size of developments will be relatively small.
 - the Council should require developers to provide and / or contribute towards all typologies of open space, sport and recreation facilities according to the local standards set out in this PPG17 audit and assessment
 - devise a matrix approach to clearly state the types of housing mix that will be required to contribute to open space. This can be broken down to indicate the types of open space different housing types will be required to contribute to. This builds in the flexibility that is currently left to negotiation, but ensures a clear implementation of the policy. An example from the Sport England/Milton Keynes Council/English Partnerships, Joint Pilot Project, Draft SPG on Open Space, Sport and Recreation, March 2004 is as follows:

Category	Open Market Housing/Flats	Affordable Housing	Housing for the Active Elderly
Playing fields	✓	✓	X
Local Play Areas	✓	✓	X
Neighbourhood Play Areas	✓	✓	X
Community centres/Meeting halls	✓	✓	✓
Local parks	✓	✓	✓
District parks	✓	✓	✓

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Category	Open Market Housing/Flats	Affordable Housing	Housing for the Active Elderly
Swimming pools	✓	✓	✓
Sports halls	✓	✓	✓
Allotments	✓	✓	✓

- include a statement to clearly set out the approach to affordable housing.

11.63 It is also important to note that industrial development of a strategic scale should be included, in line with paragraph 20 of PPG17, which states that in identifying where to locate new areas of open space, sport and recreational facilities, local authorities should “look to provide areas of open space in commercial and industrial areas”. As such, this inclusion is supported although it may be difficult to administer the times when open space provision is appropriate.

PLAN1	Ensure developer contributions can be made to all dwellings where necessary in local policies (i.e. one dwelling and above)
PLAN2	Devise a matrix approach to clearly state the types of housing that will be required to contribute to open space
PLAN3	Include a statement to clearly set out the approach to affordable housing
PLAN4	Apply the policy to commercial development
PLAN5	Require developer contributions for all types of open space, sport and recreation facilities covered in the PPG17 audit (with local standards)

Determine whether, after the development, there will be sufficient quantity of open spaces within recommended distances of the development site, including on site, to meet the needs of existing and new residents based on the proposed local standards. It should also be considered whether the quality of open spaces within the recommended distances matches the standard set out in the Assessment.

11.64 The next main step determines whether there is an existing open space need that if there is no quantitative deficiency identified leads to the next step of identifying a qualitative deficiency. The following table provides a summary of the approach taken by other authorities:

Open space need?	
Tynedale Council	An assessment of open space, sport and recreation has been completed and identifies where there are deficiencies in existing provision. The authority area is divided into 21 sub areas and the strategy concludes that there are deficiencies in each of these sub areas. The implication is that there would be always be a requirement for open space contribution

Open space need?	
Leicester City Council, Stockport Metropolitan Council and Hinckley and Bosworth Borough Council explicitly state that whether an open space contribution should be sought depends on the level of existing provision, determined by:	
Leicester City Council	The existing amount of open space, quality, scale and nature of housing development
Stockport Metropolitan Borough Council	If existing provision exceeds the minimum requirement and can meet increased demand
Hinckley and Bosworth Borough Council	An over-supply of public open space is in easy walking distance (400m) of a proposed development
Fareham BC	Normally only seek to secure provision of open space where it can be demonstrated that the proposed development will exacerbate or create a deficit in provision based on the Open Space Survey and catchments of: children’s equipped and informal is on a ward basis and outdoor sports facilities and recreation facilities is based on catchments of the 4 main built up areas. The only exception is sites accommodating over 200 dwellings where the site will be expected to include play spaces regardless of ward totals.

11.65 Despite the majority of authorities taking the approach of identifying whether there is an open space need in the area, it is considered that this detracts from the concept of ensuring the requirement on developers is fair and consistent. By applying the quantity standard based on the increased level of demand this ensures the developer is paying directly for the associated impact of the development rather than it being dependent on what open space happens to be around the development. In addition, by applying the findings of the open space study, it is likely that if there is no quantitative or accessibility deficiency there may be a qualitative deficiency that needs to be addressed.

11.66 To identify the level of quantitative, qualitative and accessibility deficiency within the area of the development, the PPG17 study should be applied for each of the types of open space. In simple terms, this is as follows (a worked example is shown later in this section):

- estimate the number of residents living in the proposed development (being explicit about assumed occupation rates)
- calculate the existing amount of open space within the agreed accessibility threshold of the new development. For example, there may be an existing quantitative undersupply of parks and gardens, provision for young people and children and allotments in the area of the development site.

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- estimate the existing population within the relevant accessibility threshold and combine this with the estimated population of the new development
- compare the existing amount of open space and the total population with the quantity standards developed for that typology in the PPG17 study to decide if after the development there will be sufficient quantity within recommended distances of the development site to meet local needs.

11.67 If when assessed against the relevant PPG17 quantity standards, there is a sufficient amount of that type of open space in the local areas to meet the needs of the total population, the Council may expect developer contributions to enhance the quality of open spaces within that accessibility threshold.

- where it has been decided that a contribution is required to improve provision locally, reference should be made to the quality standards for each typology and assessment undertaken against these standards. Contributions should only be considered necessary where the quality of local provision is considered below the quality vision as outlined in the PPG17 assessment.

PLAN6	Apply the PPG17 assessment's local standards to decide whether the development creates a need for new open space or a need to improve the quality of existing open space in the local area
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Determine whether the open space can/should be provided on site.

11.68 In instances where a quantitative deficiency has been identified, it is necessary to determine whether the open space should be provided on site. A new area of open space should be required where the existing amount of open space is insufficient to cater for the needs of the total population. The requirement should only be to such as extent as to cover the needs of the people who will be living in the new housing development.

11.69 If a housing development generates a need for new open space then wherever possible this should be provided on-site. However, in many circumstances it will not be possible to achieve this. It is recommended that minimum size standards for each typology are developed to ensure that provision is useable and can be appropriately maintained.

When should development be provided off-site?	
Tynedale Council	Includes a matrix detailing the on and off site provision thresholds: at less than 3 dwellings – financial contribution for children's play space and no requirement for outdoor sports, 3 – 9 dwellings – financial contribution for children's play and outdoor sports, 10 or more dwellings, on site provision for children's play and financial contribution for outdoor sport
Fareham Borough Council	Presumption in favour of on-site. Includes a number of factors to consider e.g. size of development site and whether site located near to existing good open space. Includes a matrix of when on/off site is considered appropriate according to the number of dwellings and open space type.

When should development be provided off-site?	
Milton Keynes Council	On-site provision (in existing Milton Keynes area) is worked out according to number of dwellings and type of open space, e.g. sites of 10 – 49 dwellings – on-site is normally required. Sites of 50-199 dwellings – on-site provision for LEAPs and Local Parks will normally be sought.
Mid Devon District Council	On-site provision is usually required when a development is 25 dwellings plus. There is a general preference for on-site provision.
Cambridge City Council	Any shortfall in provision, which cannot be accommodated on site, should be met through commuted payments and be spent on identified projects
Stockport Metropolitan Borough Council	Commutated payments are acceptable for small scale developments and funds will be held in an interest earning account until enough is accumulated for improvements
Hinckley and Bosworth Borough Council	Thresholds are set for different types of open space and whether provision is appropriate on or off-site. Off-site provision is generally acceptable when development is too small to reasonably accommodate formal or informal open space and high density schemes
Reading Borough Council	In most cases, it is more appropriate to seek off-site contributions, especially small developments

PLAN7	Identify appropriate minimum size thresholds for on site provision for each typology. Develop a matrix approach to determine the threshold of dwellings for on versus off site provision as a guide only. A case by case approach will still be required.
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11.70 If it is not possible to provide the open space required on site, then contributions should be sought towards the new provision or enhancement of that type of open space within the accessibility threshold. Where this is not possible, then contributions towards quality improvements could be considered as an alternative. Some different approaches to where off-site contributions should be spent are outlined overleaf:

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Where should the off-site contribution be spent?	
Fareham Borough Council	Open Space Survey provides a framework for open space requirements. SPG sets out a list of appropriate items developer contributions can be spent on.
Mid Devon District Council	<p>Catchment areas are used to ensure provision is related to the development. Contributions generated within a catchment area will be spent within a catchment area. Catchments are based on the grouping of parishes, based on: anticipated rate of future residential development in an area and the location of existing facilities that could be extended or improved and the potential locations for the provision of new facilities.</p> <p>The SPG advocates the use of a pooled fund for these catchment areas.</p>
Leicester City Council	For larger developments, the Council will be able to indicate exactly where any contributions made by developers will be spent
	Smaller developments – may be appropriate to pay into an area based open space fund. Fund will be ring-fenced within the area based budget
Stockport Metropolitan Borough Council	Funds will be used within the area easily accessible from the funding development. For children's/casual play space this will be within up to 1000 metres from the funding development
Reading Borough Council	Open Spaces Audit and Strategy points to a need for qualitative improvements to meet the needs of both existing population and those occupying new developments.
	Developments will contribute separately towards improvements on the basis of needs in relation to borough wide facilities and the needs in respect of smaller localised facilities. Capital expenditure to meet the needs of existing and future population is a key requirement in Reading and as such new developments should make contributions towards identified areas of open space that serve the whole borough. Additional contributions are also required to improve play and other facilities in the local area. This will include specific works or improvements set out in the Open Space, Sport and Recreation Strategy or other approved programmes.
Salford City Council	When identifying a suitable site, the City Council will look at the availability of sites within a reasonable walking distance of the development. Where local play facilities are deemed adequate, the City Council will seek the contribution for alternative outdoor recreation needs in the area.

Calculate the recommended open space contribution for new open spaces.

- 11.71 The level of developer contributions for off-site provision will depend on whether it includes the costs of land acquisition. Standard costs towards the enhancement of existing open space and provision of new open spaces (across all typologies) should be clearly identified and revised annually.
- 11.72 The cost of open space can be difficult to determine based on what elements of open space provision to include within the costing, for example, whether the cost of a facility should include site preparation, e.g. levelling, drainage, special surfaces and what ancillary facilities to include within costings, what level of equipment and land costs. The costs should be based on local costings but a guide can be found on the Sport England website: http://www.sportengland.org/kitbag_fac_costs.doc and the NPFA Cost Guides for Play and Sport.

For each typology, the size of provision or contributions should be based on:

number of people (in terms of increased demand over capacity within accessibility catchment of the development) x quantity provision per person x cost of provision per hectare

- 11.73 A worked example is provided as follows:

Worked Example: contribution towards amenity greenspace

- a housing development for 70 dwellings has been submitted to the Council. The development consists of 30 four-bed dwellings, 30 three-bed dwellings and 10 two-bed dwellings. This will result in 230 additional residents living in the locality
- the agreed accessibility catchment for market town amenity greenspace is a 10 minute walk time or 480 metres. Within this distance of the housing development there is current 1.2 hectares of provision
- the estimated population within 480 metres of the housing development is 800 people. Combined with the estimated population (230) this gives a total population of 1030
- the quantity standard for amenity greenspace is 1.3 hectares per 1000 population. Multiplied by the total population (1030) produced a requirement for 1.339 hectares of amenity green space. The existing amount of amenity green space is 1 hectares
- 1 hectares of amenity green space within 480 metres is a lower level of provision than the required 1.339. The developer will therefore be required to provide further provision.
- the size requirement can be calculated by multiplying the quantity standard per person by the population of the new development. In this example this represents 0.0013 hectares per person multiplied by 230 people, producing a requirement for 0.299 hectares. Given the shortfall in provision is 0.339 hectares, in order to meet the needs of the people who will be living in the new housing development; the full quantity provision should be secured.

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- reference should be made to the agreed minimum size standards to determine whether to requirement should be on site or off site. In this example the minimum acceptable size is 0.2 hectares, so a contribution towards provision on site should be sought.
- 11.74 It is unreasonable to ask the developer to fund the entire shortfall in the area (in this instance 0.339 hectares), and the Council can only seek to obtain a contribution for the impact of the additional housing (requirement here for 0.299 hectares).
- if the open space were to be provided off site, the estimated cost for the provision of amenity greenspace is £8,200 on the basis of a site being 0.2ha (2000m²) in size. The cost per hectare is therefore £41,000
 - the agreed local standard for provision is 1.30 ha per 1000 population, or 0.0013 ha per person
 - using the formula set out above, the contribution required for a 70 dwelling development is:
 - 230 (number of people in development in terms of increased demand over capacity within accessibility catchment of the development) X 0.0013 (requirement per person) X 41000 (cost of provision per hectare)
 - the contribution required towards amenity greenspace is £12259
- 11.75 The application of this formula ensures that the level of provision required from developments is worked out proportionally as to the level of increased demand the development incurs.
- 11.76 The study can be used as a tool to determine the level of open space and indoor facilities required in major new urban extensions as well as within smaller new housing developments. The existing level of provision is measured against the projected population within Appendix H which shows how much open space should be provided to meet the open space standards, however this includes existing deficiencies.
- 11.77 The worked example above can be applied to an urban extension area to calculate the required level of open space and indoor facilities for the overall area as part of site-specific proposals in the LDF.

PLAN8	Continue to use a formula for the calculation of the provision of open space requirement. Update costings regularly and expand to include all open space types.
PLAN9	Utilise the methodology above to assess the impact of major growth against agreed quantity standards to proactively plan for emerging open space, sport and recreation needs.

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11.78 Maintenance sums are also an important element of any section 106 process. A review of the approach taken by other authorities is as follows:

Maintenance	
Tynedale Council	Developers are expected to make a contribution equivalent to 25 years maintenance costs, where a) they are providing on site facilities and asking the Council to take on responsibility for management and maintenance or b) making a financial contribution to the capital costs of provision of facilities in the area
Fareham Borough Council	<p>Maintenance of sites is required. If transferred to the Council, this is usually done after a period of 12 months, following completion of open space. The developer is only liable for maintenance of the amount of open space equivalent to that required by the development where the council demonstrates that the off-site provision is of direct benefit to the residents of the proposed development (based on NPFA defined sphere of influence for equipped and 1 km radius of development site for outdoor sports facilities)</p> <p>Maintenance rates are worked out on a number of beds/open space type basis and are updated annually</p>
Milton Keynes Council	<p>Developer will be required to maintain the site for a period of 12 months after completion.</p> <p>Maintenance sum will then be required for a period of 20 years following establishment. The sum is based on contract prices and allows for inflation.</p>
Reading Borough Council	<p>The Council will normally adopt and maintain properly laid out open space, subject to a commuted sum payment.</p> <p>The commuted sum payment should cover 20 years of maintenance costs</p> <p>Commutted maintenance sum is calculated using current contract prices and maintenance costs for maintaining open spaces (i.e. work schedules) and multiplied to establish a 20 year figure. This allows for inflation of contract prices and deflation for diminishing present values over time.</p>
Harrogate Borough Council	<p>Where the provision of open space is principally of benefit to the occupants of a proposed development rather than the wider public, the developer will normally be required to pay a commuted sum to cover the cost of future maintenance</p> <p>New provision of open space should be maintained by the developer for 12 months and will be transferred to the Council after this period with the commuted sum</p>

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Maintenance	
	Revise figures annually for the cost of maintaining different types of open space. Total commuted payment is calculated by adding 10% contingencies to the annual costs and multiplied by the number of years
	Maintenance is required for a period of 5 years
Sedgemoor District Council	Arrangements will be made for the transfer of new areas of open space to the Council (or Parish Council) after a period of 12 months
	A commuted maintenance sum will be required for 15 years after the year of adoption by the Council
	The commuted maintenance sum shall equate to the anticipated future expenditure of 15 years annual maintenance costs taking into consideration the cost of inflation and the interest received on the diminishing average balance of the sum
	Sum is calculated by: costs and expenses estimated for the first years maintenance based on the Council's ground maintenance bills, minus the interest received on the annual maintenance sum, with the cost of inflation added (in accordance with the annual rate of increases in the Retail Price Index at the time of calculation)
Daventry Council	Maintenance sum will be for a 20 year period
	Maintenance costs should be based on current costs of maintaining the specific type of outdoor space that has been provided with an allowance made for inflation, calculated over a number of years. Examples are provided for the cost of maintenance per sq metre for a range of facilities.

11.79 Where appropriate new developments should therefore make contributions towards the capital expenditure required to provide/enhance areas of open space and for its on going maintenance.

11.80 Where facilities for open space are to be provided by the developer and will be adopted by the Council:

- the Council should normally adopt and maintain properly laid out open space within residential areas subject to the payment, by the developer, of a commuted sum to cover the cost of future maintenance;
- it is anticipated that the developer will be required to maintain the open space for 12 months, or other reasonable period for 'establishment';
- a commuted sum payment is payable on transfer of the land covering cost of maintenance for a defined period. From the review of existing supplementary planning policy maintenance periods are normally between 10 – 20 years;

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- the commuted maintenance sum should be calculated using current maintenance prices to manage open space, multiplied to allow for inflation of prices and the interest received on the diminishing average annual balance of the sum.

PLAN10	Set out maintenance (commuted sums) required and update these regularly.
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Summary and recommendations

- 11.81 The open space sport and recreation study is an invaluable tool in the formulation and implementation of planning policies. This relates to both the protection and enhancing of existing open space and the framework for developing planning obligations. The study also provides local standards for open space and indoor sports provision.
- 11.82 The study provides the tools in which the value of an open space can be assessed on a site-by-site basis, as and when a development proposal is submitted for an existing piece of open space. Similarly, this approach can be the basis for determining what type of open space provision is appropriate to be provided within a housing development and for pre-empting growth implications as part of the LDF.
- 11.83 The use of a standard formula for open space provision in new housing developments based on the cost of provision will greatly aid the negotiation process and provide a transparent approach in line with Circular 05/2005.
- 11.84 There are many other factors to consider in administering planning obligations such as determining occupancy rates, costings and on versus off site provision. The Council's approach should be set out clearly within a Supplementary Planning Document.
- 11.85 Maintenance sums are an important element of open space provision. It is not considered reasonable to expect maintenance in perpetuity, however the authorities reviewed are requiring between 10 and 20 years maintenance.
- 11.86 More generally, it is important to note that the provision standards are only the starting point in negotiations with developments and high quality environments will not result simply from applying them in a mechanical way. This is why is it desirable also to complement provision standards with design guidance that concentrate on effective place making.
- 11.87 The recommendations for the planning overview section are as follows:

Summary of recommendations

PLAN1	Ensure developer contributions can be made to all dwellings where necessary in local policies (i.e. one dwelling and above)
PLAN2	Devise a matrix approach to clearly state the types of housing mix that will be required to contribute to open space
PLAN3	Include a statement to clearly set out the approach to affordable housing

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PLAN4	Apply the policy to commercial development
PLAN5	Require developer contributions for all types of open space, sport and recreation facilities covered in the PPG17 audit (with local standards)
PLAN6	Apply the PPG17 assessment's local standards to decide whether the development creates a need for new open space or a need to improve the quality of existing open space in the local area
PLAN7	Identify appropriate minimum size thresholds for on site provision for each typology. Develop a matrix approach to determine the threshold of dwellings for on versus off site provision as a guide only. A case-by-case approach will still be required.
PLAN8	Continue to use a formula for the calculation of the provision of open space requirement. Update costings regularly and expand to include all open space types.
PLAN9	Utilise the methodology above to assess the impact of major growth against agreed quantity standards to proactively plan for emerging open space, sport and recreation needs.
PLAN10	Set out maintenance (commuted sums) required and update these regularly.