

Open Space & Play Equipment Contributions SPD

Consultation Draft Supplementary Planning (SPD)

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1 Introduction

1.1 Purpose of the SPD

The provision, design and layout of good quality open spaces and children's play facilities within and close to residential areas is essential for the development of sustainable communities. It is also crucial for providing a good quality of life for local residents by providing opportunities for play and contributing to the quality of the environment. Such open spaces can be enjoyed by all sectors of the community as places to relax, play or take part in sport, whilst also providing a visual break from the urban environment and providing habitats for wildlife.

New residential developments result in an increase in the local population which creates additional demand for open space and play facilities, putting further pressure on existing spaces and facilities. Therefore, it is vital that developments that increase demand for open space contribute to the provision of new open space in order to cater for the added demand they bring.

This concept is embedded in national, regional and local planning policy, with saved policy DC3 from the adopted Rossendale Local Plan and its replacement in the emerging Core Strategy DPD (policy E1) being of particular relevance. This Supplementary Planning Document (SPD) will expand on these policies.

The SPD will address the provision of Open Space and Play Equipment, taking account of an extensive evidence base of provision and need and the Rossendale Open Space and Play Strategies. It will also set out the Council's requirement for developers to provide contributions towards open space and play equipment in the Borough.

1.2 Scope of the SPD

The scope of this Supplementary Planning Document is as follows:

- To define the relevant aspects of open space and play equipment provision;
- To briefly explain the policy context and justify the need for developer contributions for open space and play equipment;
- To provide an overview of the existing provision of open space and play equipment in Rossendale;
- To provide an overview of the open space and play standards used by the Council and the resulting shortfall in the Borough;
- To set out the Council's approach to calculating developer contributions for open space and play equipment and where they apply;
- To offer guidance on the type of provision sought by the Council;
- To set out the monitoring and review procedures for this SPD; and
- To set out the legal and financial arrangements for developer contributions toward open space and play equipment.

1.3 Objectives of the SPD

The Objectives of this SPD are to:

- Provide clear guidance to developers with regard to the Borough Council's requirements in relation to development and open space and play equipment, ensuring that all new development has access to a high standard of public open space, where it is required
- Provide clarity on the types and amounts of financial contributions the Borough Council will seek in relation to the provision and maintenance / management of open space and play equipment
- Deliver and maintain a wide range of high quality open spaces and play equipment that are fit for purpose and accessible to all sections of the community by ensuring that an appropriate balance between the provision of new facilities and the enhancement of existing facilities is established throughout the Borough, enabling the needs and aspirations of local communities to be met
- Highlight the important role the provision and maintenance of open space and play equipment has in creating a more sustainable environment and healthier communities.

2 Policy Context

2.1 National Policy

The statutory basis for developer contributions through planning obligations is contained in **Section 106 of the Town and Country Planning Act 1990, as amended by Section 12 of the 1991 Planning and Compensation Act**. This enables a person with an interest in land to enter into a planning obligation enforceable by the local planning authority.

A planning obligation is a binding agreement entered into between a Local Authority and a developer / landowner (a 'Planning Agreement') or the offer of a specific undertaking by a landowner (a 'Unilateral Undertaking'). Such an obligation may require the developer / landowner to carry out certain works or to provide, or contribute towards, the provision of measures to mitigate the negative impacts of their development and to ensure that the development contributes towards the sustainability of the area.

Planning Obligations run with the land. They are legally enforceable against the owner(s) (including their successors in title) of the land to which they relate. This means that typically only the owner can enter into a planning obligation even if another person (for instance the developer) has submitted the application.

Sections 46 and 47 of the Planning and Compulsory Purchase Act 2004 give the Secretary of State power to make regulations to replace Section 106, but, as these powers have not yet been taken up, the latest guidance is based on the delivery of obligations through the existing Section 106 regime.

Current Government Guidance on "Planning Obligations" is contained in **Circular 05/2005** (published 18 July 2005) supported by DCLG **Planning Obligations Practice Guidance** (July 2006).

Circular 05/2005 sets out the policy tests that must be met by local planning authorities in seeking planning obligations. Planning obligations must be:

- 1) Relevant to planning
- 2) Necessary to make the proposed development acceptable in planning terms
- 3) Directly related to the proposed development
- 4) Fairly and reasonably related in scale and kind to the proposed development; and
- 5) Reasonable in all other respects

The Circular reiterates the principle that it would not be legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer, which are not necessary to make the development acceptable in planning terms. Likewise, planning obligations should never be used as a means of securing for the local community a share in the profits of development.

The Circular advises that Local Planning Authorities should include high level planning policies on developer contributions in their Development Plan Documents - if these are not already included within their saved plans. More detailed policies applying the principles set out in the high level policies should be included in Supplementary Planning Documents. This is the approach that the Council are following.

In addition to Circular 05/2005, policy guidance in relation to specific planning obligation requirements for specific types of development and contributions is set out in Planning Policy Statements (PPSs) and Planning Policy Guidance notes (PPGs).

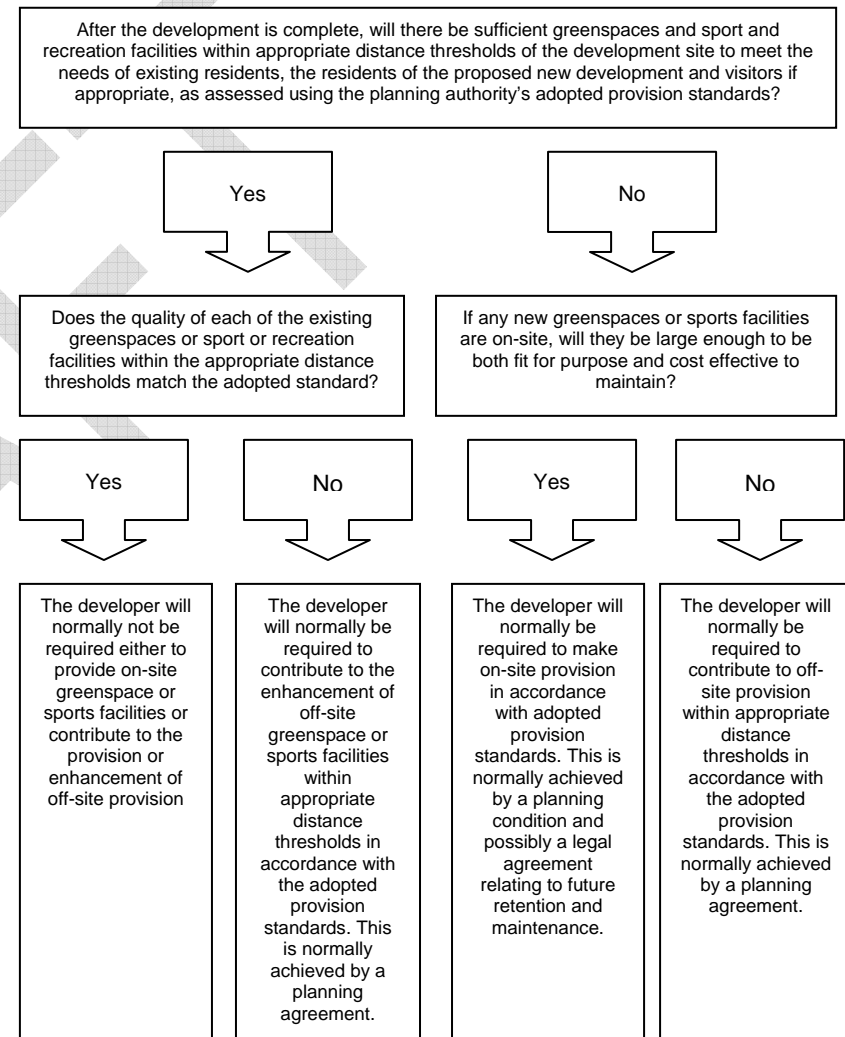
Most relevant to this SPD is **PPG17: Planning for Open Space, Sport and Recreation and its Companion Guide “Assessing Needs and Opportunities”**. Paragraph 33 of PPG17 states the following with regard planning obligations:

Planning obligations should be used as a means to remedy local deficiencies in the quantity or quality of open space, sports and recreational 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.

The Companion Guide discusses the need for maintenance to be included in such contributions and includes a useful diagram which helps to understand the process by which the type of contribution a developer must make for open space can be determined. This diagram is included opposite.

This guidance has been followed not only in relation to developer contributions but also in relation to the preparation of a Needs Assessment and an Open Space Strategy for Rossendale.

Figure 1: Applying Provision Standards as part of the Development Control Process



2.2 Regional Policy

The adopted regional policy basis for the North West is **RPG13** (March 2003). However, this is in the process of being replaced by the new **Regional Spatial Strategy (RSS)**, which is still at the draft stage.

Policy DP2 in RPG13 and Policy DP1 in the draft RSS (January 2006) essentially make the same statement with regard planning obligations, whereby development plans and strategies should set out, among other things:

The means, including planning obligations and conditions and the phasing or programming of development, by which any necessary mitigation, compensation or substitution is to be achieved

(draft RSS, Jan 2006, p.13, Policy DP1)

The draft RSS was subject to consultation and an Examination in Public. The Panel Report for this Examination was produced in May 2007 and recommended a change to Policy DP1 that, while it did not discuss the relative merits of the above statement, nevertheless resulted in any reference to planning obligations being removed from Policy DP1.

If this recommendation is taken on-board by the NWRA in its revised draft RSS and no other reference to planning obligations is included elsewhere in the strategy, it will mean that the revised draft RSS will make no reference to planning obligations at all.

2.3 Sub-Regional Policy

At a sub-regional level, the **Joint Lancashire Structure Plan 2001-2016** is the adopted statutory policy influencing Rossendale Borough. The Structure Plan does not refer to planning obligations or developer contributions but does refer to the need to improve open space. One of the priorities it sets out for the East Lancashire sub-region (which Rossendale is a part of) is to:

Create more open space, green networks, woodland and more local health and community facilities and employment opportunities, particularly in inner urban communities.

Lancashire County Council has also produced a Policy Paper on **Planning Obligations in Lancashire** (July 2006). This was written with the intention of putting forward principles, methods and good practice and developing a consistent and robust approach to planning obligations across Lancashire.

This guidance has been utilised and, in general, followed in preparing this SPD and in preparing the Needs Assessment and Open Space Strategy for Rossendale that have previously been prepared and that directly inform this SPD. In particular, in a manner similar to Figure 1 above, the Lancashire guidance states seven questions which can be used to help determine how much and what type of contribution should be secured in relation to any given development. A very similar set of questions was drawn up within the Open Space Strategy for Rossendale to help calculate contributions toward open space.

2.4 Local Policy

The most relevant saved policy from the adopted **Rossendale Local Plan** is policy DC3, which states that:

In areas of new residential development, the Council will expect appropriate public open space to be provided by the developers.

The emerging **Core Strategy**, which will replace the saved policies from the Local Plan and form part of the Rossendale Local Development Framework, is currently at Preferred Options stage. A Preferred Options report was consulted upon in March 2006 and is currently being revised following this consultation. The March 2006 report included two policies that are of relevance to this SPD.

Policy DS5 addressed “planning gain”, a process that is currently being considered at a national level as a possible alternative to planning obligations. However, the principles and objectives of both planning gain and planning obligations are very similar, both being processes for requiring developer contributions. Therefore, should this policy be revised and expressed in terms of planning obligations, similar types of developer contributions will still be required. Therefore, Policy DS5’s current statement on open space will remain in some form or another.

All major developments for housing, employment and mixed-use schemes should incorporate and/or contribute

to health, education, training and open space provisions at a level appropriate to the development.

Policy E1 discusses open space and, while it does not refer to planning obligations directly, states that:

Opportunities will be sought to improve the quantity, quality and accessibility of open space across the Borough, particularly in areas of local need.

Rossendale’s Community Strategy 2005-2020 sets out 8 delivery themes and targets. Improved provision of open space and play equipment facilities will contribute to the achievement of several of these themes.

Rossendale have commissioned an **Open Space Audit** (August 2005), which has subsequently been used to prepare an **Open Space Strategy** (October 2007). In addition, the Council also has a **Play Strategy** (January 2007). In preparing these documents extensive consultation has taken place and a robust evidence of need in relation to open space and play equipment has been identified.

3 Summary of Consultation and Options

3.1 Consultation

Consultation specifically for this SPD will take place at the end of February 2008. This Preferred Option version of the SPD will be made available for statutory consultation in line with the requirements of Rossendale’s Statement of Community Involvement, enabling the public to view and comment upon the SPD.

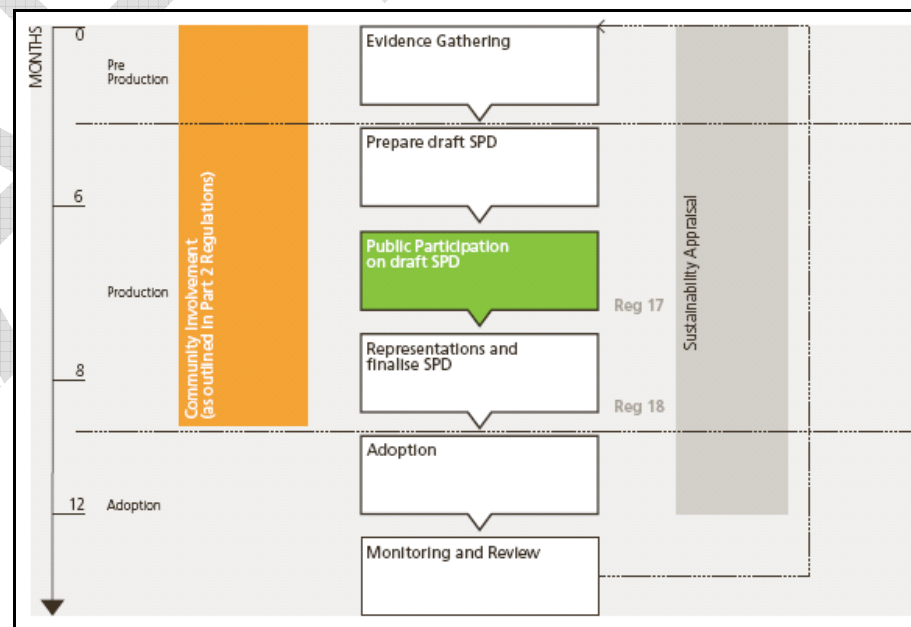
Alongside this statutory consultation, the Council will seek consultation responses specifically from key stakeholders within and outside the Council. This will include holding discussions with representatives of developers and house builders.

No formal issues and options consultation has taken place specifically with regard this SPD for a number of reasons. Primary among these reasons is the fact that the views of the public on open space and play equipment in relation to need, issues and ways forward have been thoroughly sought during the preparation of the Open Space Audit, Open Space Strategy and Play Strategy over the past three years.

Consulting the community yet again on these issues would constitute over-consultation and could engender “consultation fatigue”, particularly in light of the fact that the findings of the earlier consultation are still considered to be a valid and fair representation of the public’s views. Therefore, it is considered that no further issues consultation is required.

Even without this additional consultation, the Council will have exceeded the consultation required of them for this SPD by PPS12, which sets out the need for only one consultation period of 4-6 weeks.

Figure 2: The Supplementary Planning Document Process



Alongside the preparation of this SPD, a Strategic Environmental Assessment / Sustainability Appraisal (SEA/SA) report is being prepared for the SPD. Stage A of this SEA/SA process involves a Scoping Report, which is sent to statutory consultees for comment.

The LDF Scoping Report prepared for the Core Strategy and Area Action Plans is deemed sufficient, along with the recently gathered additional evidence from the Needs Assessment and Open Space and Play Strategies, to act as the Scoping Report for this SPD, meaning that no further consultation with the statutory consultees will be required.

Further details on this issue and on the SEA/SA process generally can be found in the SA Report for this SPD, which is available to view and comment upon alongside this Preferred Option version of the SPD.

3.2 Options

As referred to in Section 3.1 above, the Options for an SPD such as this are limited. There are only a very select few forms in which developer contributions for open space and play equipment can be required and even fewer ways in which they can be calculated.

However, there are options to consider and these are set out below. They have been carefully considered and discussed by various stakeholders within the Council and by Scott Wilson, the independent consultants appointed to prepare this SPD and accompanying SEA/SA, and appraised in light of these deliberations and in light of the outcomes of the SEA/SA options appraisal (Stage B in the SEA/SA process).

There are two key questions to consider in preparing this SPD, each with a set of options regarding the best way forward:

- 1) How, and from what policy basis, should developer contributions for open space and play equipment be calculated?
- 2) In what form should developer contributions for open space and play equipment be required?

How, and from what policy basis, should developer contributions for open space and play equipment be calculated?

Developer contributions from residential developments for open space and play equipment provision will be determined by:

- (a) Relying on existing policies alone and the precedent set by previous applications (i.e. a do-nothing approach to this SPD);
- (b) Using a standard calculation based on the Standards set out in the Open Space Strategy and a standard cost unit per dwelling;
- (c) Negotiation alone with the Developer in each specific application; or
- (d) A combination of a standard calculation with allowance for negotiation in specific circumstances (i.e. a combination of options b and c).

If option (a) were to be pursued, it would mean a reliance on the saved policy DC3 from the adopted Local Plan for the time being, to be replaced by policies that will be within the Core Strategy, none of which stipulate amounts of contribution but only support the principle of developer contributions for open space.

This would lead to a continuation of the existing approach to contributions for open space, which relies on an out-of-date standard cost of £1,000 per dwelling. If this approach were allowed to continue, the Council would not only struggle to provide the open space required because of the new

development but would struggle to make up the existing deficits identified by the Open Space Strategy.

Option (b) would create a high degree of certainty for developers by requiring a set amount based on a standard calculation no matter what other issues surround the development and developers would know that they had to show how this would be achieved.

The calculation set within this option informs and builds upon the existing policy basis and this SPD, which would include the calculation, becomes a key plank of the policy basis that developer contributions for open space are justified by.

While this approach has very positive aspects, notably the transparency and equal treatment of all applications, the lack of flexibility could rule out some developments that would bring extremely positive regeneration benefits and that are sound in planning terms in all other respects.

The fixed, added cost of providing the full contribution for open space, alongside other contributions and high development costs, could, for some development proposals in deprived areas or on contaminated brownfield sites (for example), make development unviable. This would prevent positive re-use of brownfield land or regeneration of a deprived neighbourhood from taking place, meaning that the Borough misses out on a vital development.

Option (c) would enable negotiations to take place with regard the specific circumstances of a development proposal, allowing flexibility to reduce contribution requirements in order to ensure a development that brings positive regeneration impacts, and is sound in planning terms in all other respects, can be delivered.

The method that would be followed in these negotiations would be set in this SPD and would become a central element of the policy basis justifying the requirement of developer contributions for open space using this method.

However, there would be no new basis for the negotiation to start from, inevitably meaning that contributions would remain around the £1,000 per dwelling level. This approach also leaves too much scope for inconsistent and unequal contributions being negotiated for similar proposals.

Option (d) utilises the positive aspects of options (b) and (c). It creates a new standard basis for calculating contributions that is transparent and based on need but allows the flexibility to negotiate from this base for reductions in the level of contribution in very special circumstances.

Once again, this SPD would become a crucial part of the policy basis for open space developer contributions, setting out the calculation and its explanation and justification and clearly stipulating in what circumstances that a reduction of contributions can be negotiated and how this should be done.

Therefore, in appraising these options, it has become clear that only one of the options is viable in practical terms and meets the needs set by the open space strategy and the open space standards within it.

Preferred Option: Option (d)

In what form should developer contributions for open space and play equipment be provided?

Developer contributions for open space and play equipment will take the form of:

- (a) On-site development of open space / play equipment;
- (b) Financial contributions towards a specific off-site open space / play equipment development (whether new or existing) that will serve the new residential development;
- (c) Pooled financial contributions towards open space developments or improvements across the Borough;
- (d) Maintenance payments for upkeep of open space / play equipment serving the new development (either as commuted sum or staged payments); or
- (e) A combination of the above, depending on the specific circumstances of the development proposal.

Option (a) involves requiring that the financial value of the contribution be translated into an on-site open space / play equipment development of the same value. This approach ensures that open space and play equipment facilities are provided for the new development in direct proximity to new residents.

However, such an approach does not take account of the existing provision in the vicinity of a new development or whether the financial value of the contribution (for example, for a 10 dwelling development) would translate into a viable open space / play space. This approach could result in a plethora of small open

spaces scattered across the Borough with significant over-provision in areas of development and significant under-provision in areas of little or no development.

Option (b) involves the Council requiring a financial contribution that it invests in new or existing open space in the vicinity of the new development to ensure that local provision can cater for the additional population the new development brings.

This approach is generally acceptable except that it ties the use of that contribution to the neighbourhood that the new residential development is in. This works well in a neighbourhood where there is significant development, as the contributions can be brought together to significantly improve provision of open space, either by a new open space or a significant upgrade to an existing open space.

However, in a neighbourhood where new development is only sporadic, it results in small amounts of contributions that cannot make a significant impact on provision. Also, in a neighbourhood where existing open space is already provided to a high quality that enables the increased demand for open space to be absorbed in existing facilities, it results in contributions that are not needed and cannot be justifiably spent.

Option (c) enables all contributions to be pooled at a Borough level, meaning that the way this is spent can be more strategically planned, overcoming the problems of too many small sites and contributions having to be invested in a specific area, regardless of the local circumstances.

This approach ensures a greater fairness in how and where contributions are spent, targeting the investment to where it is needed in the Borough according to the Action Plans within the open space and play strategies.

However, it risks losing sight of the local need immediately surrounding a development. This is particularly relevant in light of Circular 05/2005's policy tests for planning obligations. One of these tests stipulates that the obligation must be "**directly related to the proposed development**" (Circular 05/2005, p.10). Therefore, there could be a risk that using pooled contributions to fund the implementation of the Action Plans within the open space and play strategies could be challenged on this basis where a development is in an area of over-provision.

Option (d) refers to the need to require maintenance, or management, contributions from developers for the upkeep of open space and play equipment that will serve their developments. This is a vital element of any open space contribution and one that has not been addressed by any of the first three options, which have all focused on capital investment.

Therefore, none of the first three options are sufficient on their own as the form open space contributions should take in Rossendale and, likewise, option (d) is insufficient on its own as well. Any open space contribution needs to have a balance of capital and maintenance contributions.

Option (e) utilises all four approaches in options (a) to (d) in reaching an appropriate form of contribution that best meets the needs of the proposed development and its context. This requires a method of assessing which form, or combination of forms, is appropriate in any given application. Figure 1 from PPG17's Companion Guide is one such method, as is the series of questions recommended for this purpose in the Lancashire Planning Obligations Guidance.

Therefore, as option (e) appears to be the only option of the five listed above that fulfils all the forms that an open space contribution might be required to take, this SPD will need to set out Rossendale's method of assessing which form, or combination of forms, of contribution is appropriate in any given application.

Preferred Option: Option (e)

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4 Open Space Provision in Rossendale

4.1 Definitions

This chapter will summarise the existing provision of open space and play equipment in Rossendale, as set out by the Open Space and Play Strategies, breaking down open space into the various typologies in the open space strategy. By way of introduction to this chapter, it is important that the various typologies emerging out of the Open Space Strategy are clearly defined in relation to what is being considered in this SPD.

Open Space – is space that is set aside for the enjoyment of leisure and recreation, both formally and informally, and that is legally accessible for this purpose. Elements of nature are usually present in such spaces.

Play Equipment / Play Area / Play Space – are the terms used to refer to elements of open space that contain outdoor equipment specifically given over to use for play by children and young people. Typically these will conform to one of the National Playing Fields Association's (NPFA's) standard play areas¹.

Parks and Gardens – are formal and managed open spaces specifically given over to recreational use, which enable access for all at any reasonable time and that are usually in the ownership of the Council or other public bodies. They often include play areas and / or sports pitches.

Sports Pitches / Playing Fields – are open spaces specifically given over to the purpose of outdoor sports. While typically associated with grassed pitches for team sports (e.g. football, rugby, cricket and hockey), the typology also includes outdoor artificial surface pitches, courts and greens for smaller team / individual sports (e.g. tennis courts, bowling greens and basketball courts) and even athletics tracks. Multi-Use Games Areas (MUGAs) are also included in this typology though they can form part of a NEAP (play area) as well.

Amenity Green Space – is open space that is not as formal as a Park or Garden but cannot truly be called “semi-natural”. Such spaces often have no specific function other than as open, green areas and can vary widely in size but can be used informally for a range of activities including sport and children’s play or just as a spot to relax.

Semi-Natural Green Space – is open space that cannot be considered truly “natural” because of the management and maintenance of it by man but contains significant natural elements that are cultivated, often encouraging biodiversity and habitat formation. Local Nature Reserves or Community Woodlands are good examples of a semi-natural open space.

Green Corridors – are routes through the urban area that are green in nature and that enable pedestrian and cycle movement through the urban area and out to the countryside by way of a safe and attractive environment.

¹ The NPFA's *The Six Acre Standard* (2001) sets out nationally recognised standards for certain types of open space and for play equipment. This includes standards for a hierarchy of play areas known as LAPs (Local Areas for Play), LEAPs (Locally Equipped Areas for Play) and NEAPs (Neighbourhood Equipped Areas for Play).

The distinction between the various typologies is not always clear-cut and certain typologies can often be found within sites of another typology. Therefore, improving one typology can also often have a synergistic effect of improving the quality of another typology and this, in terms of quantity, can lead to overlap whereby open spaces can serve multiple functions.

Other typologies in the Open Space Strategy that are not addressed within this SPD are:

- **Allotments and Community Gardens**
- **Civic Spaces**
- **Cemeteries**

These typologies are excluded solely on the basis that, without standards from the Open Space Strategy and without a direct overlap with those typologies that do have quantifiable standards, there is no firm basis on which to base a calculation and no justification for utilising contributions from the typologies that have been included.

However, it should be noted that the principle of requiring developer contributions for Allotments and Community Gardens and for Civic Spaces is accepted and that the Council may choose, in very specific circumstances, to negotiate with a developer to require contributions for these typologies in place of or in addition to the open space contributions set out in this SPD.

Developers should refer to the Lancashire Planning Obligations paper adopted by the Council for Development Control purposes as well as a Planning Obligations SPD that will form part of the Rossendale LDF.

4.2 Standards by Type

The Open Space Strategy considers the open space needs that have been identified via consultation and the preparation of the Open Space Audit and has developed an understanding of what provision is required in each typology and where across the Borough. A key way in which it quantifies this is by identifying standards for some typologies of open space. The Strategy can then identify how these standards will be met in different parts of the Borough. Standards usually cover quantity, quality and accessibility.

The process by which standards are arrived at involves considering national guidance (that sometimes contains indicative standards, such as the NPFA Six Acre Standard), existing provision and the local context and need to determine what would be an appropriate set of standards for Rossendale.

In some cases, standards are not always appropriate, particularly where there is limited national guidance, but they provide a useful basis from which to determine and justify actions to improve open space provision and from which to calculate how much demand for open space a new development will generate.

Therefore, it is important to summarise the standards set out in the Open Space Strategy here and appraise the provision and deficits of open space in light of these standards (see Section 4.3 below) in order to set the open space context that new development is being carried out in. This, in turn, helps to determine what level of developer contributions might be appropriate and what type of open space the contributions should be invested in.

Play Areas

The Open Space Strategy follows the NPFA standards for outdoor play space, which incorporates a quantitative provision of 0.8 ha per 1,000 population for play areas and sets out a hierarchy of play areas (see footnote 1 on p.15). The NPFA standards also set out:

- The minimum sizes of each of the types of play area;
- The number of pieces of play equipment in each type of play area;
- Other qualitative and functional requirements in each type of play area; and
- The accessibility standards (the maximum recommended radial distance each dwelling should be to a play area) for each type of play area.

In addition the Open Space Strategy adds a fourth level to the hierarchy – a District Equipped Area for Play (DEAP) – with similar requirements for size, equipment, quality and accessibility.

These standards lend themselves well to the application of developer contributions. The quantitative standard can be used as the basis of a calculation, the accessibility standards helps to identify where provision should be located and the quality standards help determine the standard cost attached to creating these play areas.

The standards can also be used in ascertaining what form the contribution should take in any specific circumstance. For example, the accessibility standard can be used to determine whether the new residential development is served by an existing

play area or not. If it is not, the contribution should be used to create a new play area.

If it is, the quality standard should be used to determine whether the existing play area is of sufficient quality. If it is not of sufficient quality, the contribution should be used to improve the existing play area that will serve the new residential development. If it is of sufficient quality, the contribution should be pooled for more strategic / general open space use across the Borough.

Sports Pitches

The Open Space Strategy follows the NPFA standards for outdoor play space, which incorporates 1.6 ha per 1,000 population for outdoor sports provision, of which 1.2 ha should be for pitches for team sports. The other 0.4 ha can be other types of outdoor sports.

The NPFA also include a broad accessibility standard for sports pitches but the Open Space Strategy does not expressly include this. In relation to quality, the Open Space Strategy seeks specific improvements in relation to the provision of changing facilities and hot showers.

Like the play area standards, these standards lend themselves to the application of developer contributions using the quantitative standard and the aspirations for quality to determine whether the contributions are used to create new sports pitches, at an existing local facility in need of upgrade or more strategically. However, all contributions are likely to be financial, in-kind contributions as opposed to on-site provision due to the nature and size of the pitches unless the development proposals are of an extremely large scale.

Semi-Natural Green Space

The Open Space Strategy follows national guidance (English Nature's ANGSt Model²) for standards for semi-natural green space and Local Nature Reserves. This includes a general accessibility standard for natural green space of all homes being within 300m radial distance of a semi-natural green space.

With regards to Local Nature Reserves, the national standard of 1 ha per 1,000 population has been adopted in the Open Space Strategy. The standard is also broken down by ensuring that each home has appropriate accessibility to different sizes of Local Nature Reserves.

The Open Space Strategy also sets out how Green Flag Awards³ will also be pursued for some semi-natural green spaces, providing qualitative standards to rate semi-natural green spaces against.

The standards for Local Nature Reserves can be utilised as a basis for developer contributions, although the contributions are often likely to be financial, in-kind contributions due to the nature of semi-natural green space.

Parks and Gardens

The Open Space Strategy does not set out quantitative or accessibility standards for parks and gardens, although it differentiates between District, Local and Pocket parks. However, the Open Space Strategy does set out qualitative standards for parks and gardens, using the Green Flag Award as a target.

It is unclear whether or how Play Areas, Sports Pitches and Parks overlap, so it may be that some parks serve multiple functions. However, it is safe to assume that there is an overlap, and certainly a synergy, between the typologies and so, while there is no quantitative standard for parks and gardens enabling a separate calculation for parks and garden contributions, improvements to play areas and sports pitches can also improve parks and gardens, and visa versa.

Therefore, it is suggested that, if the contribution for play areas or sports pitches is in the form of financial contributions to improve existing facilities or create new facilities off-site, the financial contributions could be used to improve the park that the play area / sport pitch is within, ensuring that the improvements are in-line with Green Flag award criteria.

In addition, where contributions are pooled for strategic or general open space improvements, these funds can be accessed to improve provision of parks and gardens in line with the actions in the open Space Strategy.

² The Accessible Natural Greenspace Standards (ANGSt) can be found in English Nature's *A Space for Nature* (1997)

³ The Green Flag award is a recognised quality standard for parks and gardens, cemeteries and nature reserves in England and Wales, that is supported by DCLG, English Heritage and Natural England. Gaining these awards is now part of the Government's targets for local authorities.

Amenity Green Space

The Open Space Strategy sets out information about existing amenity green spaces and aspirations for improvements, such as to achieve Green Flag Awards for a number of amenity green spaces. However, it does not include quantity or accessibility standards for amenity green space.

Amenity green spaces have much in common with parks, play areas and sports pitches and, where there is a shortage of existing facilities or a lack of space for new facilities, amenity green spaces can provide a location for a play area or sports pitch.

Therefore, while there are no standards within the Open Space Strategy that can form the basis of a calculation for amenity green space, financial contributions from the play areas or sports pitches calculations could be utilised to improve and maintain amenity green space if those spaces are also to be equipped for play or sports.

In addition, where contributions are pooled for strategic or general open space improvements, these funds can be accessed to improve provision of amenity green space in line with the actions in the Open Space Strategy.

Green Corridors

The Open Space Strategy does not set out any standards for Green Corridors. However, it does set out the existing provision and its quality and proposed improvements and also possible new green corridors. This lack of standards does not lend itself to determining contributions specifically for green corridors but it is acknowledged that green corridors play a vital role in connecting open spaces together and to strategic locations and making them accessible.

Therefore, there is a case for utilising some of the pooled contributions that may come from open space contributions to improve and maintain the Green Corridor network.

4.3 Appraising Provision and Deficits by Type

Play Areas

The total area of play spaces for children and young people within Rossendale is 48.15 ha, based on play areas in parks including the whole area of the park, not just the play equipment and the immediate vicinity. The population of Rossendale according to the 2001 census was 65,652.

This works out at a requirement of 52.5 ha of play areas in Rossendale to meet the NPFA standard. Therefore, a further 4.4 ha of play area space is needed within Rossendale to meet the NPFA standard of 0.8 ha per 1,000 population. This equates to over 2,300 dwellings⁴ (assuming 2.36 people per dwelling) that would be required to provide enough play area contributions for 4.4 ha of play space, not including the additional resource that would be required for the additional population created by those dwellings.

The strategy identifies areas of under provision for play areas across the Borough but it only identifies how it will improve existing play areas. It appears to rely on new housing developments in the areas of under provision to supply new play facilities and does not provide a guide as to precisely where new play areas should be located. Therefore, in areas of under provision, residential developments of a significant size will be more likely to involve on-site contributions by providing play areas as part of the new development.

Sports Pitches

The total area of outdoor sports pitches in Rossendale for community use is 76.42 ha, only 55.98ha of which are adequate. The 1.6 hectares per 1,000 population NPFA standard for outdoor sports pitches would require a total provision in Rossendale of 104.96 ha. Therefore, there is an under-provision of sports pitches in Rossendale of 28.54 ha and a further 20.44 ha of existing outdoor sports pitches that require an upgrade to reach an adequate standard.

There is a reasonably good spread of sports pitches across the built-up area of Rossendale and so it may be that many new residential developments will lie close to an existing facility. Therefore, the contributions for sports pitches will often likely be financial and used to improve or expand existing facilities or be pooled for strategic open space improvements.

To make-up this deficit of sports pitches would require over 7,500 dwellings⁵ if developer contributions were to be the sole source of funding for providing sports pitches, not even including the need to upgrade the existing inadequate pitches and provide additional resource for the additional population created by the new dwellings. Therefore, it is clear that developer contributions alone will not be sufficient to ensure the required provision for Rossendale but will make a significant contribution.

⁴ 0.8 ha per 1,000 population x 2.36 people per dwelling = 0.00189 ha per dwelling
4.4 ha / 0.00189 ha per dwelling = 2,328 dwellings

⁵ 1.6 ha per 1,000 population x 2.36 people per dwelling = 0.00378 ha per dwelling
28.54 ha / 0.00378 ha per dwelling = 7,550 dwellings

Semi-Natural Green Space

The Borough currently has 25 ha of Local Nature Reserve at Healey Dell; this leaves a shortfall of 41 ha according to the Government's guidelines of 1 ha of LNR per 1,000 population. In addition, Healey Dell is in the southeast corner of the Borough meaning that, currently, the accessibility standards outlined in the Open Space Strategy are only met in a very small proportion of the Borough.

To respond to this deficit the Open Space Strategy sets an action to create 4 new Local Nature Reserves by 2020 and identifies specific locations for these, improving accessibility for the community to Local Nature Reserves. It also sets out actions for a range of other semi-natural improvements, including improving 30 ha of existing woodland and creating 135 ha more by 2020.

To fund the creation of the 4 new Local Nature Reserves (presuming that they total the 41 ha deficit) by developer contributions alone would require in excess of 17,000 new homes⁶, which would bring a huge increase in demand for semi-natural green space on their own.

Therefore, developer contributions for semi-natural green space clearly could not contribute to the achievement of creating these 4 new Local Nature Reserves. However, by pooling these contributions they can contribute to the wider funding programme of the nearest of these 4 Local Nature Reserves to their development site.

Parks and Gardens

There are three District Parks in Rossendale, which cover over 20.5 ha in total. These are Whitaker Park in Rawtenstall, Victoria Park in Haslingden and Stubblelee & Moorlands Park in Bacup. These District Parks have a wide range of facilities and cater for a large percentage of the population of Rossendale.

In addition to these main Victorian parks, there are several smaller parks, split into 'Local Parks' and 'Pocket Parks'. These cover over 12.5 ha in total and cater for the more immediate communities that surround the parks and gardens.

Due to the fact that there are no quantitative or accessibility standards for this typology in the Open Space Strategy it is impossible to calculate whether new parks are required and the Open Space Strategy does not set any targets for creating new parks and gardens. It also makes it difficult to assess how much developers should contribute specifically to parks and gardens due to the increased demand on these resources that their developments would cause.

However, the Open Space Strategy does propose improvements to six parks, including the three District Parks, and achieve the Green Flag Award for them. Therefore, where play area and sports pitch contributions are not required at the local level in the immediate neighbourhood of a new development, the contributions should be pooled and these pooled contributions can be used to implement improvements to these parks.

⁶ 1 ha per 1,000 population x 2.36 people per dwelling = 0.00236 ha per dwelling
41 ha / 0.00236 ha per dwelling = 17,373 dwellings

Amenity Green Space

The Open Space Strategy does not set out the amounts of amenity green space in the Borough but discusses the distribution and areas of shortage. With no standards, other than the action to achieve the Green Flag Award for five amenity green spaces, and no firm proposals to create new spaces it becomes difficult to calculate developer contributions toward amenity green spaces.

However, such spaces do serve a purpose and pooled contributions from play area and sports pitch contributions could be used to improve existing amenity green spaces and provide new ones in areas of deficit.

Green Corridors

Provision of Green Corridors in Rossendale is generally good, due to the rural nature of much of the Borough. However, improvements to this network could be made, particularly in urban areas. Therefore, pooled contributions could again be used to fund some of these improvements.

4.4 Maintenance

The maintenance and management of open space is a key issue with regards to providing high quality open space. It is an issue that requires a balanced approach to how Local Authorities provide open space. This is because, while maintenance is a positive activity, it has implications for how much open space is provided.

The maintenance and management of an open space is crucial to ensuring that the facilities and functions it provides stay at a high level of quality. Therefore, every open space in a Local Authority's ownership needs maintenance and management. However, this fact means that the more open space that is provided, the higher the maintenance costs for a Local Authority.

As such, when an Authority sets out to improve the quantitative provision of open space, or is required to because of an increased population, and whenever higher levels of quality are aspired to, there are increased maintenance costs to consider as well as the capital costs of new or improved open spaces.

Such increased costs are set against a background where, across the UK, Local Authorities are struggling to afford to maintain what open space they already have with available budgets and are having to invest large sums of money improving existing, and creating new, open space following years of limited investment in open space.

The Open Space Strategy does discuss ways in which maintenance and management regimes can be made more efficient and effective, including engendering community ownership of local open spaces and creating volunteer groups that manage and maintain their local open space as well as allowing bio-diversification of more open spaces, encouraging more natural areas that require less intensive maintenance. Implementing such ideas would reduce spend on maintenance to a degree but there will still be a need for further funding to enable high quality maintenance of the Borough's open space.

Ultimately, a new residential development will increase the demand for open space in an area by increasing the local population. In most cases, this means that either new open space is required or the existing open space needs to be improved, both of which result in increased maintenance and management costs. Therefore, it is essential that any developer contribution towards open space includes maintenance contributions to mitigate for this over-stretching of resources.

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5 Determining Developer Contributions

5.1 Residential Development and Open Space

It has been touched upon already within this SPD that residential development and open space are inextricably linked. When residential development takes place it creates an increased burden on existing open space. This usually results in a requirement for new open space or significant improvement to existing open space.

However, there is a need to move away from thinking of this as a requirement. High quality open space, in an appropriate location, adds significant value to a residential development. An attractive, sustainable residential development incorporates active, open space that provides a much needed green element to the built form of the development, brings elements of nature close to home for residents, improves the local environment and provides a safe place for all ages to play and relax.

Conversely, what makes an open space active is people and so for an open space to be used by people it needs to be close to where the people live. People make an open space a *place*.

Therefore, there is clearly a positive synergy between residential developments and open space provision and it is important for all parties (the Council, the applicant and the public) that high quality open space is created in association with residential developments.

Due to this sustainable connection between the two land-uses, it is necessary to be aware of the housing policies in Rossendale and the likely increase in housing supply over the foreseeable future. It enables an understanding of likely increase in population and of how much increased demand will be placed on the existing open space across the Borough as a result.

Within planning policy, targets for net increase in housing numbers are generally set at a regional level. The existing regional policy (RPG13, March 2003) sets an annual target of 2,690 for Lancashire as County.

The Joint Lancashire Structure Plan 2001-2016, Policy 12 sets a specific target for Rossendale of 1,920 new dwellings between 2001-2016, to be distributed over this period by 220 units per annum over the period 2001-06 and then 80 per annum for the remainder of the period.

The Draft RSS sets out an increased target for Rossendale of 4,000 new homes between 2003 and 2021 (222 new dwellings per annum) but this target has yet to be confirmed as full planning policy.

At a local planning policy level, saved Local Plan policy H3 states that there are 56 housing sites (totalling 92 ha) that can accommodate approximately 2,060 dwellings. The majority of these allocations have now been built out. The Core Strategy Preferred Options Report (March 2006) concurs with the Draft RSS in its housing target figures.

The Interim Housing Policy Statement (December 2007) takes into account what still remains of these sites plus completions from 2001-2007 when calculating what supply of housing land remains within the Borough. Using the Lancashire target there is a 15 year supply left. With the Draft RSS target there is a 7 year supply remaining.

Non-residential Development

It is important to recognise that residential development is not the only form of development that can place an increased burden on open space. For example, employment and retail developments can also create demand, usually at specific times (e.g. lunch times), as employees or shoppers go for a break in an open space near their place of work / the shops. In certain circumstances tourism, hotel and leisure developments can also increase demand on open space.

Therefore, while residential developments create by far the most demand on open spaces, there must also be provision to require non-residential developments to contribute to open space where they will create a significant increase on the demand of open space in an area or if they take away existing open space provision / accessible land.

5.2 Standard Calculations

Having considered the standards set out in the Open Space Strategy and the likely level of residential development a series of calculations have been prepared to form the basis of any developer contributions toward open space and play equipment.

These calculations relate to the typologies of Play Areas, Sports Pitches and Local Nature Reserves and to Maintenance but the financial value of the contribution calculated may be pooled, in the appropriate circumstance, and used for the associated Parks and Gardens, Amenity Green Space and Green Corridor typologies.

Play Areas

Required amount of Play Area open space:
0.8 ha per 1,000 population = 0.00189 ha per dwelling⁷

Contribution = £314,600⁸ x 0.00189 ha = **£595** per dwelling

Sports Pitches

Required amount of Sports Pitches open space:
1.6 ha per 1,000 population = 0.00378 ha per dwelling

Contribution = £268,888⁹ x 0.00378 ha = **£1,016** per dwelling

⁷ All calculations assume 2.36 people per dwelling

⁸ Standard Cost for 1 ha of Play Area open space – see Appendix A

⁹ Standard Cost for 1 ha of Sports Pitches open space – see Appendix A

Local Nature Reserves

Required amount of Local Nature Reserves open space:
1 ha per 1,000 population = 0.00236 ha per dwelling

Contribution = £94.389¹⁰ x 0.00236 ha = **£223** per dwelling

Maintenance

Required amount of open space for maintenance:
0.00189 + 0.00378 + 0.00236 = 0.008 ha per dwelling

Contribution = £100,000¹¹ x 0.008 ha = **£800** per dwelling

Total Open Space and Play Equipment Contribution

£595 + £1,016 + £223 + £800 = **£2,634** per dwelling

This total figure for these four calculations shall provide the basis for the financial value required for open space developer contributions for any given development. Whether the full amount is pursued by the Borough will depend on the circumstances of the specific application and development site. The following statements should be applied to aid determination of this issue.

- This open space developer contribution will only apply to development proposals for residential dwellings of 1 or more dwellings or any development that will place increased demand upon open space resources in the Borough.
 - Any residential development of 1 dwelling or more will be required to make the full contribution set out in the above calculations unless:
 - To do so would make the development proposal financially unviable
- AND**
- The development proposal would bring significant regeneration benefits to Rossendale or an identified area within the Borough.

The Borough Council shall decide whether a development proposal meets these two exemption criteria.

If a development proposal meets these two exemption criteria then the applicant should enter into discussions with the Council as early as possible in the preparation of proposals (see Section 5.4 below for further details).

¹⁰ Standard Cost for 1 ha of Local Nature Reserves open space – see Appendix A

¹¹ Standard Cost for 1 ha of Maintenance of open space for 10 years (including inflation) – see Appendix A

5.3 Determining the Form of Contribution

Having established the financial value of any developer contribution for open space and play equipment, it remains to be determined what form the contribution should take. This decision relies upon reviewing existing provision (quantity, accessibility and quality) and availability of land.

The Open Space Strategy (October 2007), the Lancashire Planning Obligations Guidance (July 2006) and PPG17's Companion Guide all set out a helpful series of questions that should be considered in deciding what form a contribution should take (i.e. on-site, financial in-kind or pooled).

These have been adapted to create the following set of questions which an applicant and Council Planning Officers should work through in determining what form open space contributions should take in each specific application:

1. Does the development generate a demand for open space and play equipment?

This question has already been answered in the previous section. A threshold of 1 or more dwellings has been established for proposals to be required to provide contributions for open space.

However, there is a need to be able to deviate from this threshold where a specific development would create negligible demand due to the likely occupants of those dwellings (e.g. sheltered accommodation for the elderly) and where a non-residential development creates increased demand on open space facilities. Such deviations may require a separate calculation and negotiation of open space contributions as they may not involve any new dwellings (e.g. an employment use) or it may only be appropriate to require a maintenance contribution.

2. Once development is complete, will there be enough open space in each of the defined typologies to meet the needs of existing and new residents?

There is a need to consider the existing open space provision (by typology) surrounding a development proposal, according to the Open Space Audit, and consider whether there is enough quantitatively within the accessibility thresholds defined by the relevant standards in the Open Space Strategy.

If there is sufficient open space, Question 3 should be considered next. If there is not sufficient open space, Question 4 should be considered instead.

3. Does the quality of open spaces within the recommended distance thresholds match the standard in the Open Space Strategy?

As well as quantity and accessibility, quality is a crucial consideration in appraising the existing provision. If the quality of the existing open space does not meet the standards set in the Open Space Strategy for a particular typology, then the developer contributions for that typology should be utilised to bring those spaces up to the required quality level.

If the quality level is sufficient then the contributions should be placed into a pool for strategic and general open space improvements across the Borough.

4. Should new open space be provided on-site?

If there is insufficient open space within the recommended accessibility standards for a typology, the preference should be for new open space to be provided on-site. However, this is not always appropriate either due to a shortage of land within the

development proposals for an open space or because the proposals are relatively small (i.e. less than 100 dwellings) and so on-site implementation of open space contributions would result in too small an open space.

Therefore, if it is appropriate, on-site provision of the contribution should be pursued. If it is not appropriate, the contribution should be made in-kind (financially) and used by the Council or another purposely selected body to create a new open space off-site in the vicinity of the development proposal.

Such a site may be one highlighted in the Open Space Strategy as suitable for use as open space and the contributions should be used to part-fund the development of this site for open space. Alternatively, a site may need to be found.

Where there are several smaller residential developments in close proximity in an area of under provision, the contributions should be pooled to create an open space that serves all the new developments.

Should there be no suitable land for a new open space in an area of under provision, the contributions should be pooled and used for strategic and general open space improvements across the Borough, particularly in relation to improving accessibility to such sites from the development proposals.

5.4 Planning Obligations Procedure / Protocol

In the past, Planning Obligations (Developer Contributions) have been a major cause of delay in the delivery of planning permissions relating to major schemes. The procedures set out below are intended to reduce such delays and make the process much more effective and efficient.

To ensure the process is carried out effectively and efficiently the Council strongly advise that, when preparing a development proposal that may require contributions toward open space and play equipment, applicants seek Planning Officer advice during the pre-application discussion stage to prevent delays or the refusal of the application.

Such discussions are vital because even though the above standard calculation in section 5.2 above makes determining the financial value of such contributions relatively straight forward for all but a few proposals, there is a need to agree the form of the contributions with the Council prior to submission of the planning application.

The Council would strongly suggest that applicants adhere to the following basic procedures:

1. Pre-application Discussion/Application Stage

This should take place as early as possible during the formulation of development proposals. Prospective applicants who come forward with proposals during this stage will be advised by the Planning Officer of the merits of the case and the requirement to

provide a Section 106 Agreement or a Unilateral Undertaking. With advice from the Planning Officer (including statutory and other consultees as appropriate) and relevant policy, it will be possible to specify whether an open space contribution is required and what form would be acceptable to the Council.

2. Submission of planning application

Once it has been agreed with the Planning Officer (and statutory and other consultees, as required) and the applicants are in a position to submit a full planning application, the following documents should be provided along with the application:

Validation Policy & Checklist Requirements

Planning applications should be accompanied by information as set out in the Council's Validation Policy Validation Checklist, dated 5th December 2006. **Without such information, the application will not be validated.**

The checklist highlights the following in relation to Planning Obligations:

*It is now Rossendale Borough Council's policy that all legal agreements and their contents should be discussed as fully as possible during pre-application discussions with the Authority and that all applications where a legal agreement is required shall include Heads of Terms and all the associated information required via the Section 106 information sheet in order to make the application valid. **Where this information is not submitted the application will be considered invalid.***

The legal agreement will be expected to have been agreed by both the Developer and the Council before the application is considered by Committee and the agreement signed, sealed and executed 2 days before the expiry of the 13 weeks deadline. If the document is not agreed by both parties prior to the Committee meeting this could result in the application being recommended for refusal and, if the agreement is not sealed, could result in the application being ultimately refused. (p.25)

Evidence of Title to the Land

Evidence of title to the land, together with confirmation of all signatories to the agreement, is required. If the title is registered at HM Land Registry, an up-to-date office copy of the registers and filed plan must be obtained. If the title is unregistered, full and complete title must be submitted ensuring that any plans within any title documents are coloured as the original.

Abortive Costs Undertaking

An undertaking to cover any abortive costs the Borough Council / County Council commit in finalising the agreement in the event that the application is not pursued.

3. Receipt of the Legal Agreement

Upon receipt of the Undertaking / Agreement and title, they will be forwarded to the Council's Legal Services for approval and you will be required to pay the Council's Legal fees, which are charged on a time recorded basis.

Unless the above documentation is received within the stipulated timeframe then it could cause delays in the registration / application process or refusal of consent.

If the application is to be considered by Council's Planning Committee then the Committee may resolve to modify the extent and nature of the matters to be dealt with by the Planning Obligation.

Where the nature and scale of the contributions likely to be required are disputed the applicant will be required to submit an open book, spreadsheet-based development appraisal to accompany the scheme proposal. To ensure fairness and transparency in the delicate negotiation of planning obligations, information such as this would have to be made available to the public in the instance that it was required due to such a dispute.

This information is intended to support, validate and verify the amount of contribution that can be afforded. It is not expected that detailed tender-based construction cost information will be available at this stage of the development process but supporting estimated cost breakdowns, including assumptions made, would be required. Development appraisal information submitted should comprise the following:

1. Completed project development value including rental values, investment yield and any other income producing elements, e.g. freehold serviced site values
2. Development costs including:
 - a) Current site value/acquisition cost
 - b) Reclamation cost
 - c) Construction cost

c) Professional fees

d) Finance charges

e) Developer's profit

f) Other fees or costs e.g. marketing, local authority fees, s.278 requests

g) Allowance for s.106 contribution

Details of third party contributions to costs e.g. capital grant assistance must also be provided.

For larger developments the Council may seek independent third party advice and the cost of this is expected to borne by the developer.

Negotiation over the level of and nature of contributions will be assessed on a site-by-site basis, having regard to the financial appraisal. It will take account of the economics of the development and other national, regional and local planning objectives that may affect the economic viability of the proposal. Ultimately, the Elected Members of the Planning Committee will take the decision on the appropriate scale and nature of contributions.

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6 Monitoring and Review

6.1 Monitoring

Circular 5/05 B50 provides that:

Once planning obligations have been agreed, it is important that they are implemented or enforced in an efficient or transparent way, in order to ensure that contributions are spent on their intended purpose and that the associated development contributes to the sustainability of the area. This will require monitoring by local planning authorities, which in turn may involve joint-working by different parts of the authority. The use of standardised systems is recommended, for example, IT databases, in order to ensure that information on the implementation of planning obligations is readily available to the local authority, developer and members of the public.

The Council's Forward Planning Team, in conjunction with the County Council and other relevant service providers, will oversee the monitoring of Planning Obligations. The purpose of this monitoring will be:

- To review the effectiveness of the SPD;
- To review available resources;
- To ensure Section 106 agreements are implemented

- To ensure the fair and consistent application of the requirements for developer contributions
- To ensure linkage between Section 106, this SPD and corporate objectives and priorities.

In general, there are two elements of Developer Contributions that require monitoring:

- 1) Whether the contributions have been received or, in cases where contributions are works to be carried out by the developer in lieu of financial contributions, whether they have been implemented as agreed in the Section 106 Agreement / Undertaking.
- 2) How the financial contributions have been spent.

Responsibility for co-ordinating the monitoring of the receipt, expenditure and implementation of Developer Contributions will lie with nominated legal, planning and financial officers.

The Council will levy an administration charge towards the compliance and monitoring, project management and implementation of Planning Obligations, which will not exceed 5% of the total cost of the obligation and will only be reduced or waived where it can be demonstrated that the costs will be significantly less.

6.2 Indicators

The Open Space Strategy includes the following monitoring indicators that may be developed by the Council to aid the measurement and monitoring of the success of this SPD, open space contributions in general and the delivery of the open space strategy:

- i) Area of land dedicated to open space
- ii) Funding secured
- iii) 106 monies secured
- iv) Cost related to usage
- v) Actual catchment area, as defined by users
- vi) Numbers using, and time spent, at specific facilities
- vii) Usage on the basis of gender, ethnicity, age, impairment
- viii) Involvement of community groups
- ix) Community satisfaction
- x) Inclusive access
- xi) Attainment of quality assurance standards by supervised provision

6.3 Review

The Open Space Strategy will be reviewed in 2010 and it is recommended that, following this review and dependent on what it identifies in relation to open space, it may be prudent to review open space contributions at that time as well. Open space contributions should be tied to need and so the overall picture of open space and play equipment provision in the Borough should ultimately direct the level of open space contributions required.

7 Legal and Financial Arrangements

Financial contributions due under any obligations must be paid to the Borough Council as the Local Planning Authority, or other relevant parties as required, in order that the needs and impacts arising from new developments are addressed before they arise.

Payments would normally be expected to be paid on the commencement of development (or as otherwise stated in the relevant Guidance or Policy Documents). In the case of major phased developments, contributions may be paid in instalments on the commencement of each phase. Trigger dates for payments and time periods for the contribution to be spent will be set out in the Planning Obligation agreed by the applicant and the Borough Council.

Financial contributions will be indexed in legal agreements to allow for changes in costs and prices over time, using the most appropriate index from the All Items Group of the Retail Prices Index, as published by H M Government Office for National Statistics.

When making payments to the Council to fulfil a planning obligation, cheques should be made payable to "Rossendale Borough Council" and sent to:

Forward Planning Section
Planning Department
One Stop Shop
Town Centre Offices
Lord Street
Rawtenstall
BB4 7LZ

Payment should be sent with a covering letter detailing that the monies are in relation to a Section 106 Agreement for a planning application, quoting the Planning Application Number. The words "Section 106 Agreement" followed by the Planning Application Number should also be written on the back of the cheque.

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Appendix A: Standard Costs

Play Areas

Groundwork Rossendale have provided the standard construction costs for each type of Play Area that they utilise in Rossendale:

- LAP = £20,000
- LEAP = £80,000
- NEAP = £200,000

Using the standards set out in the NPFA's Six Acre Standard (pp.25-26) for the recommended size of the play area in a LAP, LEAP and NEAP and the recommended buffer zones around them, a minimum size for each type of play area can be calculated:

- LAP = 400 m² (0.04 ha)
- LEAP = 1600 m² (0.16 ha)
- NEAP = 8500 m² (0.85 ha)

The total construction cost of the three types of play area is £300,000 and this represents a total minimum size of 1.05 ha. Converting these figures to a standard cost per hectare presents a standard construction cost that reflects all three types of play area of £286,000 per ha.

In addition to these construction costs, a further 10% of this cost is required towards the costs of improving access to new or improved sites. This additional 10% calculates out at £28,600.

Together with the standard construction costs, this equals a Standard Cost of **£314,600 per ha** for Play Areas.

Sports Pitches

Groundwork Rossendale have provided the standard construction cost for a typical Sports Pitch, which includes £100,000 for the pitch itself and £120,000 for changing facilities, providing a total construction cost of £220,000.

The NPFA's Six Acre Standard (p.21) sets out standard pitch sizes for various sports. Using the standard sizes for three of the most popular outdoor sports pitches (Football, Rugby and Hockey) a typical (average) pitch size can be calculated:

$$[\text{Football (0.82 ha)} + \text{Rugby (1.26 ha)} + \text{Hockey (0.62 ha)}] / 3 = 0.9 \text{ ha}$$

Cricket pitches were not included in this calculation because they are significantly larger than pitches for other sports (e.g. virtually twice the size of a football pitch). Also, cricket is a summer sport as opposed to the traditionally winter sports used in the calculation. Therefore, in the summer, two football pitches could be converted to one cricket pitch.

Therefore, a typical pitch, being 0.9 ha in size, costs £220,000 to construct. This equates to a £244,444 per ha. An additional 10% of these construction costs are again required for access improvements, equating to an additional £24,444.

Together with the standard construction costs, this equals a Standard Cost of **£268,888 per ha** for Sports Pitches.

Local Nature Reserves

The standard construction cost for a Local Nature Reserve in Rossendale is based on costs identified by a qualified Quantity Surveyor, as follows:

Therefore, on the basis of this standard cost for a 10 ha Local Nature Reserve, the Standard Cost for a Local Nature Reserve can be seen to be **£94,389 per ha**.

Local Nature Reserve Standard Cost Calculation			Cost/ m ²	
Costs based upon typical Local Nature Reserve site of 10 ha in size				
Pioneer Woodland	m ²	50,000	£5.00	£250,000.00
Wetland planting	m ²	50,000	£2.50	£125,000.00
Footpaths and signposts	m ²	500	£1.50	£750.00
Features and equipment			£100,000.00	£100,000.00
Car Park	m ²	2500	£75.00	£187,500.00
				£663,250.00
Preliminaries	15%			£99,487.50
				£762,737.50
Contingencies	10%			£76,273.75
				£839,011.25
Fees	12.5%			£104,876.41
Standard Cost for 10 ha site				£943,887.66

Maintenance

The maintenance cost has been based on an estimated figure of £100,000 per ha. A precise costing will be provided in the final document.

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**This document can be made available in other community languages,
Braille, large print or audio tape**

آپنی یف ای لئفلفٹٹیر سار سٹنکفپ بڈ ہرفہر ہاپای، اڈیو کآسٹے اٹہبا ہئرفہر لئہ لئہ انا کوان باہای پتہ چان تاہلہ انؤہرہ کرہ آمادہرکہ جانالہ آمرا اتانٹ ہوشی منے تار باہاسہا کرہب |

انؤہرہ کرہ ۰۱۹۰۶ ۲۱۹۹۹۹ ای ناسٹارہ اٹہبا کمئڈنیکشن سکشن، ٹاؤن سنٹر افس، رٹسٹل بی.بی.۸ ۹ال.جہڈ. ای ٹیکانای یوگاہوگ کرہن |

اگر آپ کو اس لٹلٹ کا خلاصہ بڑے حروف میں، آڈیو کیسٹ پر، یا انگریزی کے علاوہ کسی اور زبان میں درکار ہے تو براۓ مہربانی ہمیں بتائیں، ہم بخوشی آپ کے لیے اس کا انتظام کریں گے۔

برائے مہربانی 01706217777 پر ٹیلیفون کریں یا پھر کمیونٹی کیشن سیکشن سے اس پتہ پر رابطہ قائم کریں:

Communications Section, Town Centres, Rawtenstall, BB4 7LZ