

Subject:

Open Space and Play Equipment
Contributions Supplementary
Planning Document (SPD)

Status:

For Publication

Report to: Cabinet

Date: 10 September 2008

Report of:

Executive Director – Business (Monitoring Officer)

Portfolio

Holder: Regeneration and Leisure

Key Decision: Yes

Forward Plan

General Exception

Special Urgency

1. PURPOSE OF REPORT

1.1 This Supplementary Planning Document (SPD) will address the provision of Open Space and Play Equipment, taking account of an extensive evidence base of provision and need set out within the Rossendale Open Space and Play Strategies and the Open Space Review. It will also set out the Council's requirement for developers to contribute towards open space and play equipment in the Borough.

2. CORPORATE PRIORITIES

2.1 The matters discussed in this report impact directly on the following corporate priorities and associated corporate objective.

- Delivering Quality Services to Customers (Customers, Improvement)
- Delivering Regeneration across the Borough (Economy, Housing)
- Keeping Our Borough Clean and Green (Environment)
- Promoting Rossendale as a cracking place to live and visit (Economy)
- Improving health and well being across the Borough (Health, Housing)

3. RISK ASSESSMENT IMPLICATIONS

3.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:

- The SPD for Open Space and Play Equipment Contributions will be an essential tool in achieving the regeneration of Rossendale. Contributions secured via this SPD will be an important factor in the provision and maintenance of open spaces and play areas in Rossendale. Providing and maintaining open space play areas will be much more difficult and costly for the Council without this SPD.

4. BACKGROUND AND OPTIONS

- 4.1 The purpose of this SPD is to set out clearly where and how the Council will expect developers to contribute to the provision of open space and play equipment as part of their development where appropriate.
- 4.2 The requirement to provide contributions will be based on the findings of the recent Open Space and Play Equipment Strategies brought before Cabinet on 23rd January 2008.
- 4.3 Following a consultation exercise on the draft SPD concerns were raised that that the Open Space Strategy needed to provide further explanation and clarification on certain matters, such as local standards of provision in order to be used as a robust evidence base for the SPD.
- 4.4 As a result the Open Space strategy has been amended and the Open Space and Play Equipment Contributions SPD has been updated to reflect this.
- 4.5 This is now the final version of the SPD, which is based on robust evidence provided by the Open Space Strategy.

COMMENTS FROM STATUTORY OFFICERS:

5. SECTION 151 OFFICER

- 5.1 The SPD will enable the Council to promote and financially support, through developer contributions, the Open Space and Play Strategy and the focus of Sustainable Communities.

6. MONITORING OFFICER

- 6.1 A full consultation process has been carried out once adopted this SPD will be applied to all new planning applications.

7. HEAD OF PEOPLE AND ORGANISATIONAL DEVELOPMENT (ON BEHALF OF THE HEAD OF PAID SERVICE)

- 7.1 There are no HR implications arising from this report.

8. CONCLUSION

- 8.1 Following extensive public consultation on the draft Open Space and Play Equipment Contributions SPD, this final version has been produced. This

provides the Council with a policy document which has significant weight with which to seek contributions from developers for open space and play equipment.

9. RECOMMENDATION(S)

9.1 It is recommended that Cabinet adopts the Open Space and Play Equipment Contributions Supplementary Planning Document to apply to all new planning applications received after the 10th September 2008.

10. CONSULTATION CARRIED OUT

10.1 The Draft Open Space and Play Equipment Contributions SPD was out for public consultation for a period of six weeks ending on the 9th April 2008. This period has now come to an end and the necessary changes to the SPD have been made.

11. EQUALITY IMPACT ASSESSMENT

Is an Equality Impact Assessment required Yes

Is an Equality Impact Assessment attached Yes

12. BIODIVERSITY IMPACT ASSESSMENT

Is a Biodiversity Impact Assessment required Yes

Is a Biodiversity Impact Assessment attached Yes

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Background Papers	
Document	Place of Inspection
The consultation responses report will be added as an appendix at a future date prior to Cabinet Briefing.	This will be added as an appendix
Open Space and Play Equipment Contributions SPD Sustainability Appraisal Report	Available on request from Joseph Hildred

Open Space & Play Equipment Contributions SPD

September 2008

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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 which 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 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 set out within the Rossendale Open Space and Play Strategies and the Open Space Review. It will also set out the Council's requirement for developers to contribute towards open space and play equipment in the Borough.

This SPD was adopted on the ... [need to insert date of adoption]

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).

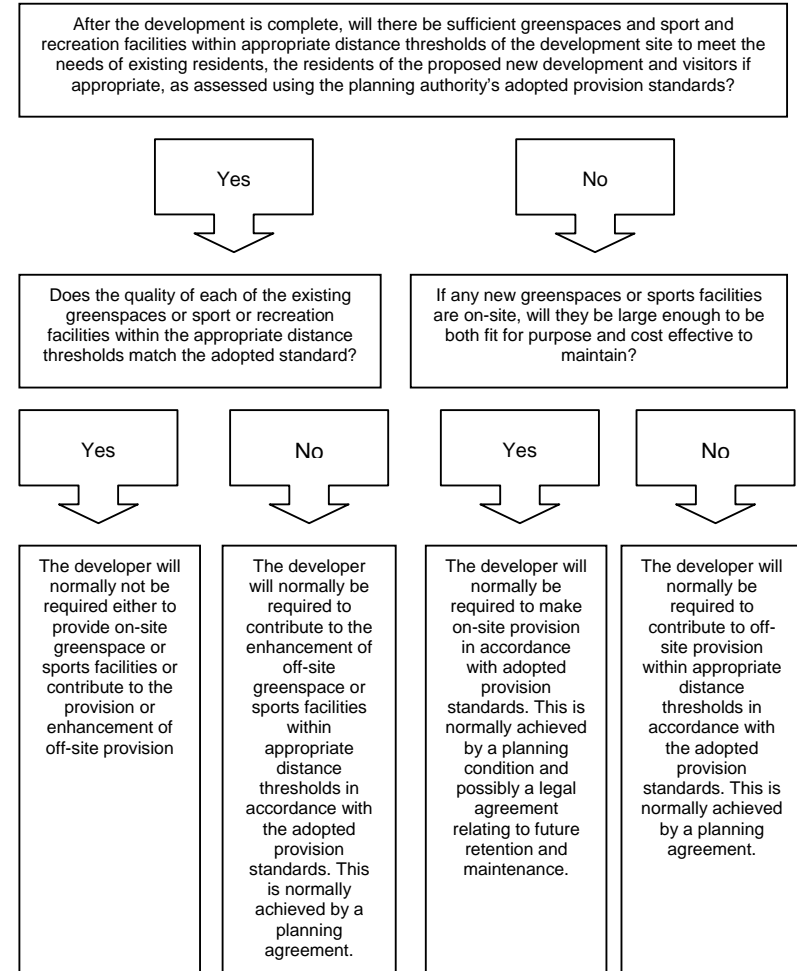
Most relevant to this SPD is **PPG17: Planning for Open Space, Sport and Recreation and its Companion Guide “Assessing Needs and Opportunities”** (September 2002). Paragraph 33 of PPG17 states the following with regard planning obligations:

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 regional policy basis for the North West is the recently published **Regional Spatial Strategy (RSS)**, which is known as the North West Plan **and was published in September 2008**.

The RSS does not make reference to planning obligations or developer contributions themselves but broadly supports their use and supports the provision of high quality open space as part of a sustainable environment and community. In particular, Policy L1 states that:

Proposals and schemes, for all major developments and regeneration schemes, and especially for housing, employment or mixed uses, should ensure appropriate health, cultural, recreational, sport, education and training provision from the outset.

In addition, Policy DP2 seeks to promote sustainable communities by “*promoting physical exercise through opportunities for sport and formal / informal recreation, walking and cycling*” and Policy DP7 seeks to promote environmental quality by “*promoting policies relating to green infrastructure and the greening of towns and cities*”.

Policy EM3 also supports the creation of green infrastructure networks to provide access to natural green space and integrate it with major development. In particular, it states that Local Authorities should work with partners to:

Integrate proposals to improve green infrastructure in the delivery of new developments, particularly through area based regeneration initiatives and major proposals and schemes.

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, although this will shortly be replaced by the North West Plan (the emerging RSS). 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 District Local Plan (1995)** 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 “Reasons” text for policy DC3 also sets out a broad standard of provision that it expects from developers of housing sites, relating to playing fields, amenity open space and children’s play areas. This SPD will re-address this broad standard for new developments in light of the new standards set by the **Rossendale Open Space Strategy** (July 2008).

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 Review** (August 2005), which has subsequently been used to prepare an **Open Space Strategy** (July 2008) and these two documents are designed to be read in conjunction. 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 took place in January 2008. The consultation draft version of the SPD was 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 sought consultation responses specifically from key stakeholders within and outside the Council. This included a consultation presentation and workshop with representatives of developers and house builders on the 17th January 2008.

The formal written representations on the consultation draft SPD submitted in the consultation period are included in Appendix B, together with how they have been responded to and integrated into the SPD where appropriate.

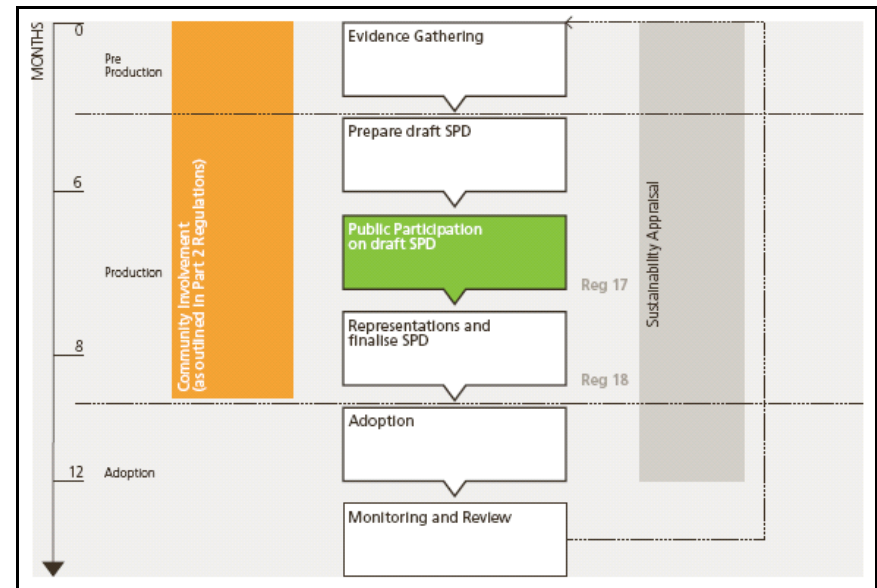
No formal issues and options consultation was undertaken specifically with regards to this SPD at an earlier stage for a number of reasons. Primary among these reasons is the fact that the views of the public on open space and play equipment in relation to need, issues and ways forward have been thoroughly 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 has been 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 alongside this Adopted 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).

Two key questions have been considered in preparing this SPD, each with a set of options regarding the best way forward. They are discussed in the remainder of this chapter. The two questions are:

- 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 could 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 that would be set if option (b) were taken forward would inform and build upon the existing policy basis. This SPD, which would include that calculation, would then become 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. This could allow flexibility to reduce contribution requirements in order to ensure a development that brings forward 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 out 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 exceptional 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 could 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 the 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) requires 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)

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 there is significant overlap in function between the two typologies.

Outdoor Sports Provision – includes open spaces specifically given over to the purpose of outdoor sports. While typically associated with grassed pitches for team sports (e.g. football, rugby and cricket), the typology also includes outdoor artificial surface pitches, courts and greens for smaller team / individual sports (e.g. tennis courts and bowling greens). Multi-Use Games Areas (MUGAs) are also included in this typology.

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 place to relax or walk the dog.

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:

- **Semi-Natural Green Space**
- **Green Corridors**
- **Allotments and Community Gardens**
- **Civic Spaces**
- **Cemeteries**

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).

These typologies are mainly excluded 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. In addition, the typologies covered in this SPD have been restricted to those with association with the typologies referred to in the supporting text to Local Plan Policy DC3.

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 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 upcoming Planning Obligations SPD that will form part of the Rossendale LDF on this matter.

4.2 Standards by Type

The Rossendale 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. 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;
- The accessibility standards (the maximum recommended radial distance each dwelling should be to a play area) for each type of play area; and
- Other qualitative and functional requirements in 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, accessibility and quality.

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 areas that serve the new residential development.

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.

Play Areas and Parks overlap in relation to function and the Open Space Strategy includes all parks within the calculation of play area provision as they involve casual / informal play space. Therefore, the quantitative standard for play areas incorporates parks and gardens and any contributions that are calculated using this standard can be utilised for improvements to parks and gardens as well as play areas, ensuring that the improvements are in-line with Green Flag award criteria.

Outdoor Sports Provision

The Open Space Strategy sets a local standard for outdoor sports provision of 1.2 ha, which includes football pitches, cricket grounds, bowling greens, tennis courts and rugby clubs, as well as sports pitches attached to schools.

The Open Space Strategy does not expressly include an accessibility standard for outdoor sports provision given the fact

that the topography of the Borough means that there is a shortage of flat land for such uses but it is clearly important that there is a good spread of different types of outdoor sports provision across the Borough. In relation to quality, the Open Space Strategy seeks specific improvements in relation to the provision of changing facilities and hot showers and improving drainage for pitches.

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 facilities or improve an existing facility in need of upgrade. However, the majority of contributions are likely to be financial, in-kind contributions as opposed to on-site provision due to the nature and size of playing fields, unless the development proposals are of an extremely large scale.

However, where the smaller outdoor sports facilities are required (bowling greens, tennis courts) they could be provided on-site or provided attached to a nearby open space or Park.

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, park 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 calculation could be utilised to improve and maintain amenity green space if those spaces also serve a function as casual / informal play space or are to be turned into equipped play areas or formal parks.

4.3 Appraising Provision and Deficits by Type

Play Areas

The total area of play spaces for children and young people within Rossendale is 45.84 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.

Using the NPFA, and adopted local, standard of 0.8 ha per 1,000 population, a requirement of 52.5 ha for play areas (including equipped and casual / informal) is identified in Rossendale to meet the standard. Therefore, a further 6.6 ha of play area space is needed within Rossendale to meet the local standard.

The strategy identifies areas of quantitative under provision for play areas across the Borough but it only identifies how it will improve the quality of existing play areas. It does not provide a guide as to precisely where new play areas should be located. Therefore, in areas of quantitative under provision, residential developments of an appropriate size should, where possible, involve on-site contributions by providing play areas as part of the new development in order to meet the local deficit. Alternatively, sites for new play areas will need to be identified in these areas.

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 Stubbylee & 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.

The Open Space Strategy does propose improvements to six parks, including the three District Parks, and seeks to achieve the Green Flag Award for them. Therefore, these improvements can be partially funded by developer contributions based on the Play Area standards, as these standards include parks and gardens as informal play space.

Outdoor Sports Provision

The total area of outdoor sports provision in Rossendale for community use is 71.22 ha, only 32.51ha of which are adequate. The 1.2 hectares per 1,000 population Local Standard for outdoor sports provision would require a total provision in Rossendale of 78.72 ha. Therefore, there is an under-provision of outdoor sports facilities in Rossendale of 7.5 ha and a further 38.71 ha of existing outdoor sports facilities that require an upgrade to reach an adequate standard.

There is a reasonably good spread of outdoor sports facilities 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, including strategic improvements to outdoor sports facilities.

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 play area contributions could be used to improve existing amenity green spaces and provide new ones in areas of deficit as they do serve a function for informal play.

4.4 Maintenance

The maintenance and management of open space is a key issue with regard 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 as Local Authorities can only provide as much open space as they are able to afford to maintain to an adequate level.

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 while at the same time promoting biodiversity. 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 at open spaces that

predominantly serve the new development to the value of the additional upkeep generated by the residents / users of the new development (determined by a standard maintenance cost per dwelling).

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 the 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 (adopted 2005), 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 published RSS sets out an increased target for Rossendale of 4,000 new homes between 2003 and 2021 (222 new dwellings per annum), 65% of which should be on brownfield land.

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 RSS target there is a 7 year supply remaining.

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 and Outdoor Sports Provision and to Maintenance but the financial value of the contribution calculated may be used for the associated Parks and Gardens and Amenity Green Space that can form informal play and sports uses, in appropriate circumstances.

Play Areas

Required amount of Play Area open space:

0.8 ha per 1,000 population = 0.00189 ha per dwelling²

Contribution = £286,000³ x 0.00189 ha = **£541** per dwelling

Outdoor Sports Provision

Required amount of Sports Pitches open space:

1.2 ha per 1,000 population = 0.00283 ha per dwelling

Contribution = £200,031⁴ x 0.00283 ha = **£566** per dwelling

² All calculations assume 2.36 people per dwelling

³ Standard Cost for 1 ha of Play Area open space – see Appendix A

⁴ Standard Cost for 1 ha of Sports Pitches open space – see Appendix A

Maintenance

Requirement amount of open space for maintenance:
 $0.00189 + 0.00283 = 0.00472$ ha per dwelling

Contribution = $£54,920^5 \times 0.00472$ ha = **£259** per dwelling

Total Open Space and Play Equipment Contribution

$£541 + £566 + £259 = \underline{\underline{£1,366}}$ per dwelling⁶

This total figure for these three calculations shall provide the basis for the financial value required for open space developer contributions for any given development where a deficit in quantity, quality or accessibility of a specific type of open space serving that development has been identified through the Open Space Strategy and Open Space Review.

Whether the full amount is pursued by the Borough will depend on the circumstances of the specific application and development site. The following statements shall be applied to aid determination of this issue:

- This open space developer contribution will only apply to development proposals for residential dwellings of 10 or more dwellings.

⁵ Standard Cost for 1 ha of Maintenance of open space for 10 years (not including inflation) – see Appendix A.

⁶ Please note that this figure will be subject to inflation. The most up to date figure will be published on the Council's website.

- Any residential development of 10 dwellings 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.

Rossendale Borough Council defines “regeneration benefits” as:

“those which go beyond the simple re-development of Previously Developed Land / Buildings (PDL/ PDB); having sustainable and substantiated social / environmental / economic credentials for amenities in the locality. In addition, such benefits should accord with the regeneration objectives and priorities as identified by the Council.”

The Borough Council shall decide whether a development proposal meets the two exemption criteria or not. If a development proposal does meet these two exemption criteria then the applicant should enter into discussions with the Council as early as possible in the preparation of proposals to negotiate a reduction in open space contributions (see Section 5.4).

A further exemption may be applied to developments of one and two bed apartments at the Council's discretion to reflect the fact that such dwellings typically have fewer residents than larger dwellings. **In such a case, the Council may choose to reduce the open space contribution to no less than 50% of the full contribution.**

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 (July 2008), 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 or financial in-kind).

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 10 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). Such deviations may require a separate calculation and negotiation of open space contributions for that specific instance.

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) set out in the Open Space Review (August 2005) surrounding a development proposal 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 quantitatively, there may still be a need for qualitative improvements or access improvements from the new development to the open space, so Question 3 should be considered next. If there is not sufficient open space, there is a need to provide new open space and so Question 4 should be considered instead.

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

As well as quantity and accessibility in terms of distance, quality and accessibility in terms of access routes are crucial considerations in appraising the existing provision. If the quality of the existing open space serving a development does not meet the standards set in the Open Space Strategy for a particular typology, or a particular level of the hierarchy within a typology, then the developer contributions for that typology should be utilised to bring those spaces up to the required quality level.

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, meaning that on-site implementation of open space contributions would result in too small an open space.

Therefore, the Council will seek on-site provision of the contribution in all applications involving **50 or more dwellings**.

For sites of 10 to 49 units, financial contributions will be sought towards improving the quality of existing public open space in the vicinity of the development proposal (as this is determined by the accessibility standards of each level of the hierarchy within each typology). This does not preclude a developer of 10-49 units from making on-site provision, so long as it can be achieved satisfactorily, is appropriate to the site and does not result in a plethora of smaller open spaces that are more expensive to maintain and lack a definite function.

Where financial contributions are sought instead of on-site contributions, a suitable location(s) off-site should be identified for the open space investment. 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 as close to the new developments as possible, 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, without prejudice, 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 most recent Validation Policy Validation Checklist. **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 sheet⁷ 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.

⁷ There is currently no Section 106 information sheet available but draft Section 106 agreements relating to open space have been posted on the Council's website to provide examples for applicants to follow in preparing Section 106 Heads of Terms.

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 and vary on a case by case 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 may 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 may have to be made available to the public in the instance that it was required due to such a dispute.

However, the Council will seek to maintain the developer's discretion wherever possible and such sensitive information would only be made public where the protocols the Council must follow, to enable transparency and fairness in decision-making to be publicly scrutinised, require it.

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 be 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.

6 Monitoring and Review

6.1 Monitoring

Circular 5/05, Paragraph 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 other Council sections, 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. (Further to discussions with Legal it may be decided to charge a fixed fee. This needs resolving prior to publication of this SPD).

In line with national guidance (Circular 05/05, Para B24), if a financial contribution is not utilised within an agreed timeframe, it should be returned to the developer. For open space

contributions, this timeframe shall be 10 years from the completion of the development.

xi) Attainment of quality assurance standards by supervised provision

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

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:

The Planning Manager
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, giving 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.

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

This provides a Standard Cost of **£286,000 per ha** for Play Areas.

Sports Pitches

A standard construction cost for a typical Sports Pitch, which includes drainage and changing facilities, is £150,000.

The NPFA's Six Acre Standard sets out standard pitch sizes for various sports. The Open Space Strategy identifies three types of sports pitch specifically (football, rugby and cricket) with football being by far the most common. Most outdoor sports facilities could accommodate a football pitch but not necessarily a rugby or cricket pitch. Therefore, for the purposes of this calculation the standard size of a football pitch (0.82 ha) has been used.

In addition, based on the existing provision in Rossendale, approximately 5% of outdoor sports provision is given over to sports involving smaller, but more specific facilities, such as tennis and bowls. Therefore, it is assumed that 5% of the future provision will also provide for these outdoor sports facilities.

Typically a green for bowling and a pair of tennis courts are each approximately 0.2 ha in size. Creating a bowling green costs in the region of £50,000 but creating a pair of tennis courts costs in the region of £160,000. Therefore, an average cost of £105,000 for these smaller outdoor sports facilities would seem appropriate.

Therefore, a typical football pitch, being 0.82 ha in size, costs £150,000 to construct. This equates to a £182,927 per ha. A typical bowling green / pair of tennis courts, being 0.2 ha in size, costs £105,000. This equates to £525,000 per ha.

On the basis that 95% of outdoor sports provision will be pitch-based and 5% will be non-pitch based, the standard construction cost of outdoor sports provision would be:

$$(\pounds 182,927 \times 0.95) + (\pounds 525,000 \times 0.05) = \pounds 200,031 \text{ per ha}$$

Therefore, the Standard Cost for Outdoor Sports Provision is **£200,031 per ha**.

Maintenance

The Open Space Strategy (p.44) identifies that £5,492 per hectare is typically spent on open space in Rossendale every year. Maintenance contributions are typically required to cover 10 years worth of maintenance, and the Council will seek this in requiring maintenance contributions.

Therefore, the standard maintenance cost will equate to 10 x £5,492 per hectare, i.e. **£54,920 per hectare**.

Appendix A: Summary of Consultation Representations and Responses

<u>Ref</u>	<u>Body/Organisation</u>	<u>Representation</u>	<u>Responses</u>	<u>Changes</u>
01	Alison Rowland Town Planners LTD	<p>Concern is expressed that the SPD will be applied in a blanket fashion which is contrary to the advice in Circular 05/05, which states that the application of judgement on a case by case basis and requires that standard charges are nonetheless linked with the actual impacts of the development.</p> <p>There should be a sliding figure dependent on the type of housing.</p>	<p>The SPD has been specifically formulated to allow consideration of specific circumstances in each development proposal but there is a need for consistency in applying contributions for transparency and fairness. Therefore, the SPD utilises a standard calculation as a basis for contributions but enables a degree of negotiation on this depending on specific circumstances. One of these circumstances is a reduced contribution for 1 and 2 bed apartments.</p>	<p>p.23 – a further exemption has been included to apply a reduced contribution (no less than 50% of the full contribution) with regard developments of 1 and 2 bed apartments.</p>
02	Taylor Young on behalf of B&E Boys LTD	<p>The policy context section of the SPD lacks clarity. As the Core Strategy has not been adopted the SPD must link to a saved policy from the Local Plan, in this case this is Policy DC3.</p> <p>Clarification is requested on:</p> <ol style="list-style-type: none"> 1. The justification for open space contributions for non-residential uses? 2. What is the policy justification for contributing to strategic Borough wide open spaces? 3. What policy justification is there for an obligation threshold of 1? <p>The Draft SPD states that any residential development of 1 dwelling or more will be</p>	<p>Given that the Core Strategy has not yet been adopted, the SPD primarily relates to Policy DC3 in the Local Plan. While it is recognised that non-residential uses can place an additional burden on open space, the inclusion of a contribution relating to non-residential developments has been reconsidered at this time and removed from the SPD.</p> <p>Strategic open spaces that serve the wider Borough, or large parts of it, still serve a function directly relating to a specific development given that there is a hierarchy of open spaces, particularly of Parks, which allow access for the public to different types of Park or open space for different purposes. For example, a Local Park may be used by an</p>	<p>Section 5.2 – reference to a contribution for non-residential uses has been removed and the number of dwellings threshold has been increased to 10 dwellings.</p> <p>Contributions will only be used for open spaces that the development proposal lies in, or on the edge of, the catchment area of.</p>

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		<p>required to make the full contribution unless it meets both of the exemption criteria. It is considered that this wording within the policy does not reflect the opportunity for negotiations on the individual merits of the application and instead, reflects the standard approach previously ruled out in the SPD.</p> <p>Requirements for strategic open spaces should be removed as they do not have a direct relationship with the proposed development, if there are already sufficient facilities close to the application site.</p>	<p>individual simply to walk the dog, while the same person might use a Neighbourhood Park for a couple of hour's recreation relatively close to home. The same person may also use a District Park for a whole day or half a day out. In this way, it can be seen that an individual actually uses all levels of the hierarchy and so it is justified that a development may be required to make a contribution to any level of the hierarchy as they are all related to the future residents of that development.</p> <p>Local Plan Policy DC3 does not set a threshold with regards the number of dwellings that act as a trigger for requiring an open space contribution. However, a trigger of 10 or more dwellings has now been included to be consistent with the emerging Core Strategy.</p> <p>There is a need to provide consistency and transparency in arriving at contributions for the benefit of all parties. Therefore, the exemption criteria provide a clear trigger as to when negotiations are appropriate on open space contributions.</p>	
		<p>It is considered that the maintenance of off-site open space provision, which is not primarily for the use of future residents of the scheme, is excluded from calculations.</p>	<p>Maintenance of open space that will be used by future residents, including off-site, is a vital element of any open space contribution to ensure that the added burden placed on those open spaces by the additional residents.</p>	No change

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			Therefore, it is included in the calculations.	
		Reference to agreeing a timeframe for spending the contribution on open space should be added to the Monitoring section of the SPD.	Agreed.	p.29 – a timeframe of 10 years from the completion of the development has been included.
		There is concern that an administrative charge could be made for drafting up the S106 agreement.	The SPD requires applicants to pay for the Council's legal fees in preparing the Section 106 agreement and administrative fees for the monitoring, project management and implementation of planning obligations. However, the latter has been reduced from 5%.	p.29 – the administrative charge for the monitoring, project management and implementation of planning obligations has been reduced to ##
		Concern is expressed in relation to the ability of developers to indicate the un-viability of a scheme and therefore for contributions to be negotiated on.	Should a development proposal bring significant regeneration benefits, opportunity will be provided for the developer to negotiate and present a case for the un-viability of the scheme. If a proposal does not bring significant regeneration benefits, it should be required to make a contribution towards open space improvements in line with the increased burden it will place on open space facilities, with no exceptions other than those referred to in the exemptions on p.23.	No change
		Justification of the use of national standards should be provided.	The Open Space Strategy and Open Space Review sets out the justification of the standards used in Rossendale, be they national standards or a variation thereof.	No change
03	United Utilities	In relation to the consideration of the planning application on the basis of the likely level of air,	While this a valid development issue, it is not an	No change

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		water and other environmental pollution, it is suggested that a warning should be issued within the SPD that it is the developers responsibility to check for the presence of public underground utility services, as United Utilities will not allow building in the proximity of these services.	open space or play equipment matter.	
		In relation to the consideration of the planning application on the basis of the likely arrangements for servicing and access to proposed development, including access for pedestrians, disabled people and emergency services. Access may be required, 24 hours a day without notice for emergency repairs to United Utilities underground apparatus and the developer should check for the presence of underground utility services to ensure access is maintained.	While this a valid development issue, it is not an open space or play equipment matter.	No change
04	Mr Hartley	The principle of open space contributions is questioned. The current 'under-use' of current open space is highlighted. The affordability of housing once the open space contribution is added to a mortgage is questioned. The consistency of the SPD with the relevant government advice in the Circular 05/05 is questioned, the SPD is considered to take too much of a mechanistic approach.	The principle of open space contributions is supported in a variety of national, regional and local planning policy documents. Specifically to Rossendale, the Open Space Strategy and Open Space Review has highlighted certain deficiencies in relation to open space and sets the Local Standards that inform this SPD to address these deficiencies. The Council seeks to ensure all developments provide appropriate levels of affordable housing and, ultimately, it is the developer's choice whether they pass on the cost of developer contributions to home-buyers or not.	No change

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			The Council believes that the SPD is consistent with Circular 05/05.	
05	Hurstwood Group	It is suggested that Rossendale Borough Council ensure that Councillors are provided with a relative assessment of neighbouring authorities S.106 contributions, to put Rossendale's requirements into a sub-regional context. There is concern that existing and emerging policies in Rossendale (affordable housing, public transport and education) are more onerous than neighbouring districts.	Council Officers are aware of neighbouring Authorities requirements for developer contributions and ensure that Councillors are also made aware of this, where relevant. However, each Authority faces different issues and therefore they necessarily have varying requirements for developer contributions.	No change
		The approach taken in the SPD does not address the issue of where new play areas should be provided in an area of deficiency.	Where possible, new open space facilities should be provided on-site. Where this is not possible appropriate new sites will be located in the future. However, many contributions will go towards improving existing facilities to ensure that they are able to cope with the increased burden.	p.25 – greater clarity had been provided on when on-site provision will be sought by the Council.
		It is not clear within the SPD what a 'significantly sized' residential development would be. It is suggested that this should be quantified in terms of either the number of new dwellings to be built on a site or an area threshold new sites where outline applications are proposed and the number of units is not known.	The SPD now clarifies that contributions will be sought for any development of 10 or more dwellings and will seek such contributions on-site in developments of 50 or more dwellings.	p.23 and p.25 have been amended and clarified to this end.
		The SPD needs to have regard to the type and mix of dwellings that are being put forward as part of a development scheme, as not all forms of new housing will necessarily create a demand for children's play areas for example.	A further exemption regarding 1 and 2 bed apartments has now been included in the SPD, whereby such developments may only be required to contribute 50% of the full contribution.	p.23 amended to include new exemption.

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		Similarly the SPD should also recognise that where residential developments do incorporate a mix of house types and sizes, that contributions should reflect this mix and be proportionate to any identified deficient.		
		The SPD suggests that there is a shortfall of Local Nature Reserves (LNR's) in the Borough and that any contributions secured through residential development will be directed towards the creation of 4 new reserves highlighted in the Open Space Strategy. However it is noted that PPG17 provides a much wider definition of semi-natural greenspace than that contained within the SPD.	Local Nature Reserves and semi-natural space in general has been removed from the contribution requirement at this time as it is not referred to in the supporting text for Local Plan policy DC3.	LNR contribution removed from overall calculation.
		It is noted that housing developments themselves often incorporate measures within their design layouts i.e. through the provision of soft landscaping, ecological features and habitats which contribute towards wildlife conservation and biodiversity. Therefore it is suggested that the SPD should recognise where such measures are proposed as part of a development scheme that there will be no requirement to contribute towards the provision of LNR's. In addition the SPD should also recognise that not all developments will be within close enough proximity of these new LNR's to directly benefit the occupiers new residential developments.	Local Nature Reserves and semi-natural space in general has been removed from the contribution requirement at this time as it is not referred to in the supporting text for Local Plan policy DC3.	LNR contribution removed from overall calculation.
		It is suggested that the SPD fails to recognise the fact that the Borough is in a relatively rural	While the rural nature of the Borough is a valuable factor with regards general amenity	No change

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		location, with open access to wide areas of countryside within relatively easy reach of many of the main urban locations. The SPD should be cross-referenced with the Accessible Greenspace Standards Model to allow for contributions to either waived or sought for accessibility improvements are opposed to additional provision. The SPD should also recognise other, less traditional forms of open space such as 'home zones' as making a contribution in this respect.	and biodiversity considerations, the rural areas are not always "accessible" due to land ownership or the nature of the landscape. Therefore, there is a need to provide accessible open space within the built-up area. The Council may consider alternative forms of development such as Home Zones. However, while Home Zones can provide a small element of play facilities, they are not truly open spaces.	
		The SPD should make it clear that maintenance payments will only be sought where the open space to be provided or contributed towards would be for the benefit of the occupiers of the associated development. The SPD should also make it clear that where developers propose alternative arrangements to maintenance of on-site open space e.g. through a management company, that maintenance contributions will not be sought.	It is the view of the Council that the SPD does make it clear that maintenance contributions will be toward open spaces that serve the new development. The Council acknowledge that alternative arrangements for maintenance may be appropriate in specific circumstances. However, the majority of cases will involve the Council maintaining open spaces.	No change
		The requirement for contributions for non-residential development should be deleted from the SPD as the impact on open space demands for non-residential development would in practice be very difficult to quantify and the SPD fails to provide any guidance as to what the trigger for contributions would be. In addition the requirement for additional open space contributions has the potential to stymie investment in new jobs and employment	Contributions for non-residential development have been removed from the SPD.	p.23 – reference to a contribution for non-residential uses has been removed

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		opportunities.		
		Concern is expressed that those contributions secured under the SPD in relation to the projected increase in dwellings to be built under the emerging Draft RSS figures, would result in a significant capital receipt for the Council, over and above that which would be required to meet the increased demand generated from new residential development alone. There are concerns therefore that the standard calculations have been set too high for individual typologies and that developers proposing new developments will be unfairly penalised for deficiencies or shortfalls that may exist within the Borough already. This would conflict with advice contained within Circular 05/2005. It is suggested that the standard calculations should be recalculated and reduced in line with the projected increase in dwellings proposed under the Draft RSS.	Developer Contributions for open space and play equipment will only be sought where there is a demonstrable need identified for open space serving any new development.	No change
		The SPD suggests that a full contribution of £2,634 per dwelling will be required for any given development and this will cover play areas, sports pitches and LNR's. This approach is considered unreasonable, and it is suggested that the SPD should make it clear that not all contributions will be required on every site and that issues such as the mix and size of houses being proposed as well as evidence of deficiencies or surpluses of open space in areas will be factored in, as well as issues of viability	The full contribution has been reduced due to changes in the standards and typologies sought. The SPD does make it clear that contributions will only be sought where a need is identified. The SPD has been amended so that developments of 1 and 2 bed apartments do not pay the full contribution and the trigger for requiring contributions is now development so of 10 or more dwellings.	The calculation, exemptions and triggers that aid decision of whether contributions are required in any application have been amended and clarified.

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		and regeneration benefits. The trigger for open space contributions is considered to be far too low and it is suggested that it is inconsistent with the Core Strategy Preferred Options.		
		The SPD suggests that exceptions will be considered where the developer can demonstrate that the contribution would make a scheme financially unviable and the development would bring substantial regeneration benefits. It is suggested that his part of the SPD should be re-worded to include an either / or scenario i.e. reductions considered where applicants can demonstrate either that the scheme would be financially unviable or the scheme will deliver regeneration benefits.	An either / or scenario would be unacceptable as the fact that a scheme is financially unviable is not sufficient justification to forgo developer contributions. Similarly, regeneration benefits should not mean that a scheme automatically does not have to make developer contributions. If it can afford to, it should still do so.	No change
		The testing of viability arguments should be borne by the LPA through the planning application fee.	If a developer wishes to contest the contribution the Council have set out in this SPD that they should make, it is the developer's responsibility to bear the costs of such a contest.	No change
		It is suggested that instead of having a standard contribution for every type of dwelling, contributions could be tiered for different houses types and sizes, to reflect the level of demand likely to arise as a result of development. This is an approach that other LPA's have taken and it would ensure that the contributions fit more squarely with the advice contained in the circular.	A further exemption regarding 1 and 2 bed apartments has now been included in the SPD, whereby such developments may only be required to contribute 50% of the full contribution.	p.23 amended to include new exemption.
		In terms of determining the form of contribution the following question is examined: <i>Once</i>	It would not be appropriate to delete the reference to existing residents as considering	No change

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		<p><i>development is complete, will there be enough open spaced to meet needs of existing and new residents?</i></p> <p>It is considered that the reference to existing residents should be deleted and the question should ask whether there is enough open space to meet the needs of new residents.</p>	<p>new residents alone would not take into account the cumulative effect of the additional burden on existing open space that a new development makes on top of that already in place due to existing residents. An existing open space would not just serve the new development, it already serves a function and this function needs to be acknowledged within consideration of open space provision.</p>	
		<p>The SPD comments that if there is adequate quantitative and qualitative provision with an area, contributions will be sought and 'pooled' for strategic and general open space improvements across the Borough. It is considered that such a requirement would be entirely unreasonable and would effectively be a tax on the development. Such an approach would be completely contrary to the tests in Circular 05/2005 and should be deleted.</p>	<p>The SPD no longer refers to pooled contributions. All contributions will relate to open spaces that serve the new development.</p>	<p>References to Pooled Contributions have been deleted throughout the SPD.</p>
		<p>The SPD needs to be clearer as to what the exact trigger will be for on-site open space provision to provide more certainty to developers. The SPD should use the 100 dwellings or more threshold as the specific trigger or in respect of outline applications where layout is a reserved matter, a site area equivalent of 3 hectares or above should be applied.</p>	<p>The SPD has now formalised a 50 dwelling trigger for seeking on-site provision.</p>	<p>p.25 – greater clarity had been provided on when on-site provision will be sought by the Council.</p>
		<p>In terms of validation, the SPD states that Heads of Terms and all the information required by the S.106 information sheet will be required</p>	<p>SPD now makes reference to this.</p>	<p>See the footnote on p.27.</p>

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		in order to register an application. The Council's website does not provide a reference to a S.106 information sheet. The SPD should make it clear where this information sheet can be found.		
		The SPD refers to the Council's legal fees which are on a time charged basis. This information needs to be published for applicants to factor in the hourly rates incurred, as past experience has shown that these fees can differ significantly. Indeed, the Circular 05/2005 makes it clear that the cost/charges for preparing and completing a S.106 should be included in a public document.	Given the fact that such costs will vary with inflation over the life of this SPD the Council has chosen not to include the costs requested here. Should any applicant wish to know these costs at the time of their application, they should ask the Planning Officer assigned to their application for the current costs.	No change
		There is real concern about the public disclosure of commercially sensitive information contained within any financial appraisal. In the event that the LPA instruct external consultants to test viability arguments, the response from the consultants should be sufficient to ensure that a clear and transparent decision has been reached.	In the interests of fairness and transparency, where a developer disputes the requirement for a developer contribution on financial viability grounds, it is necessary that an open-book appraisal be carried out by the Council. However, the Council will seek to maintain the developer's discretion wherever possible.	Text addressing this issue on p.27 has been amended.
		The SPD indicates that an administration charge will be levied to developers for the compliance and monitoring of planning obligations. This approach is considered to be unreasonable and it is considered that monitoring of obligations should be performed as part of the LPA's statutory duties.	Such an administration charge is common practice and the Council considers it reasonable to require.	No changes
		The SPD should include a section relating to re-	SPD has been amended to make allowance for	p.29 – a timeframe of

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		payment of contributions within a period of 5 years from the date of payment including interest accrued for that period.	the re-payment of unused contributions within 10 years of the completion of the development.	10 years from the completion of the development has been included.
06	Natural England	From 1 October 2006 all Local Authorities and other public authorities in England and Wales have had a Duty to have regard to the conversion of biodiversity in exercising their functions. Open Space provides a venue for recreation, but it also can provide a venue for the enjoyment and appreciation of biodiversity and the natural environment. It is suggested that the Council should make reference in the SPD to the Biodiversity Duty and the ways in which this SPD contributes to it, as it clearly can contribute.	Reference to semi-natural typologies within the calculation of contributions within the SPD has been removed to be consistent with existing policy. However, the Council acknowledges the role of open space in providing opportunities for the improvement of biodiversity. This is addressed in further detail in the Open Space Strategy and Open Space Review.	No change
		Reference to 'Accessible Natural Greenspace Standards' publication in the SPD and the promotion of its 'standard' for assessing the semi-natural green spaces within the Open Space Strategy would be welcomed.	The Open Space Strategy refers to the Accessible Natural Greenspace Standard.	No change
		Expansion to the text on page 17 concerning green corridors to indicate their valuable contribution to multi-functional green infrastructure and as links between wildlife habitats would be welcomed.	Green Corridors have been removed from consideration for contributions in the SPD at this time due to the need to be consistent with existing planning policy. However, the Council recognise the importance of Green Corridors and they are a key strand of the Open Space Strategy.	Text referred to p.17 has been deleted.
		Section 4 'Maintenance' could be improved and links made to the Council's Biodiversity Duty	Agreed	Section 4.4 now includes text to this

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		with the desire to manage open space for biodiversity, both habitats and species.		effect.
		In relation to Appendix A, Standard Costs, the details for a Local Nature Reserve show the provision of car parking yet no reference is made to other modes of transport. The Council are encouraged to ensure that the breakdown includes the accessibility of the site to other, more sustainable modes of transport.	Local Nature Reserves have been removed from consideration at this time for developer contributions, hence the standard costs for LNRs in Appendix A has been deleted.	Text referred to in Appendix A has been deleted.
		It is suggested that Sustainability Objective 10 is reworded to protect and improve all landscapes not just protect those of value.	The Sustainability Objectives in the SA Report are those also used for the Core Strategy. To maintain consistency this objective has not been reworded.	No change
		In relation to section 2.8.4 a reference to the Habitats Directive, NERC Act, PPS1 Climate Change Supplement to highlight the contribution that open space can make to mitigating the effects of climate change would be welcomed. A reference to the Lancashire Biodiversity Action Plan and Natural England's Accessible Natural Green Space Standards publication would be welcomed.	SA report has been amended to incorporate this comment.	SA report has been amended to incorporate this comment.
07	Yorkshire Forward	Yorkshire Forward welcome the opportunity to participate in the development of local planning policy within Yorkshire and Humber's neighbouring authorities as part of our statutory consultee role. At present Yorkshire Forward do not have any comments to make in relation to the SPD but look forward to further opportunities for	No Action	No change

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		involvement in the ongoing LDF preparation process.		
08	National Trust	Section 1.1 – it is considered important to acknowledge the wider benefits of networks of open spaces and their connections e.g. as wildlife stepping stones linked by corridors and in providing attractive links to the valued, wider, countryside. It is clear from the development of planning policy through RSS and the specific work that has been undertaken by the NWRDA that 'Green Infrastructure' will have an increasingly important role to play. Attention is also drawn to the recent publication by the Sustainable Development Commission: "Health, place and nature – How outdoor environments influence health and well-being: a knowledge base" regarding the established health benefits of open spaces.	Section 1.1 now refers to the importance of open space for wildlife.	Section 1.1 amended
		Section 2.2 – regional policy, this section could usefully make reference to Policies DP6 and EM3 in the draft RSS.	This section has been amended to address the recently published RSS and includes references to these policies.	Section 2.2 amended
		Section 4.2 – the approach taken does result in a specific concern that some of the benefits arising from open space provision are 'lost', e.g. the potential to enhance the Council's nature conservation assets and their beneficial value for health/well being. It is important that the design of all open spaces has regard to the potential to contribute to biodiversity.	This is addressed in the Open Space Strategy and Open Space Review.	No change
		The text on Green Corridors (page 17) is	Green Corridors have been removed from	Text referred to p.17

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		extremely important as there is a danger that these resources become forgotten/neglected. Although the difficulties with the current lack of standards for such spaces is acknowledged it will be all the more important to ensure that such spaces receive adequate attention and it is suggested that a specific proportion, say 25%, or all pooled contributions are made available not only for the improvement and main but also the creation of new Green Corridors.	consideration for contributions in the SPD at this time due to the need to be consistent with existing planning policy. However, the Council recognise the importance of Green Corridors and they are a key strand of the Open Space Strategy.	has been deleted.
		Section 4.3 – it is apparent that the consideration of deficit is generally a quantitative rather than a qualitative one. In particular the lack of reference to nature conservation value and how this might be enhanced through developer contributions is considered a serious omission. The text in respect of ‘semi-natural green spaces’ and ‘green corridors’ in particular adds to the Trust’s concerns that it is unclear how enhancement will be achieved. It is recommended that a proportion of the pooled resources are set aside for the enhancement, in nature conservation/ biodiversity terms, of existing open spaces.	While quantity necessarily forms the basis of the calculations in the SPD, the contributions required will be used on qualitative improvements and in creating open space that meets the qualitative standards set out in the Open Space Strategy. Text on semi-natural green spaces and green corridors has been deleted.	No change
		Section 4.4 – the analysis of the overall issues relating to the maintenance of existing open spaces and the increased pressures that are put on these as a result of development nearby are well identified and agreed. However, it should be noted that the Local Authority, whilst it is the prime provider/	The Council acknowledge that alternative arrangements for maintenance may be appropriate in specific circumstances. However, the majority of cases will involve the Council maintaining open spaces.	No change

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		maintainer of such open spaces, does not have a monopoly position. It is considered that thought needs to be given to how developer contributions for maintenance works will be distributed when a site is in reasonable proximity of any Local-Authority owned / managed open space (s).		
		Section 6.1 – it is considered that monitoring is required not only of how financial contributions have been spent but also how they have been allocated, i.e. between new and enhanced existing open spaces, and also between the Local Authority and other providers.	How contributions have been allocated is implied within how they have been spent.	No change
09	Environment Agency	Section 4.1 – whilst not directly related to the provision of open space, Sustainable Urban Drainage Systems (SUDS) can be linked to open spaces on a development site as they represent an ideal location for such systems. The use of open spaces for purposes other than recreation, such as SUDS, could potentially be identified somewhere in the SPD.	SUDS are an important development issue but not directly relevant to an SPD on open space and play areas developer contributions.	No change
10	Steven Abbott Associates on behalf of Redrow Homes (Lancashire) LTD	Page 23, Sports Pitches – privately managed pitches are not included within the scope of the strategy. PPG17's Companion Guide makes it clear that such facilities should be included within such documents. Consequently, the level of sports pitch provision in the Borough is greatly under-represented in the Open Space Strategy and the requirements for provision and contributions which flow from it in the SPD are therefore not supported by robust or credible	This is a comment on the Open Space Strategy. However, it does include all publicly accessible sports pitches, including those in private ownership. Therefore, the level of sports pitch provision identified is not under-represented.	No change

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		evidence.		
		Page 24, Sports Pitches, Setting Local Standards – it should be noted that the NPFA standard for sports pitches is 1.2 per 1000 population, rather than 1.6ha, which includes such facilities as tennis courts and bowling greens.	This is a comment on the Open Space Strategy. Within the SPD the typology has been renamed to take into account all outdoor sports facilities.	The SPD now refers to outdoor sports facilities, not just sports pitches.
		Page 25, Amenity Green Space and Priority Wards – the second bullet point states that “Hareholme has lots of amenity greenspace”, thus begging the question as to why the ward is therefore a priority for attention. Other bullet points state that other wards have few amenity spaces because the surrounding land is farmland. The section then goes on to state that “with the Right to Roam act (sic) and with Rossendale being largely rural, this lack of provision is negated”.	This is a comment on the Open Space Strategy not the SPD.	No change
		Page 35, Semi- Natural Green Space- Local Nature Reserves- the first paragraph refers to “the Government’s Guidelines of 1ha of LNR per 1000 of population”. This standard is considered to be merely a suggested provision figure put forward by the former English Nature. Local Nature Reserves can be designated because of the quality of local ecological and wildlife interests. It must therefore be assumed that the four proposed LNRs already possess a sufficient quality of flora and fauna to justify their proposed designation. It is therefore considered that the cost calculations for providing a LNR	This is a comment on the Open Space Strategy not the SPD. Local Nature Reserves are no longer considered for contributions in the SPD.	No change

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		contained in the SPD would appear to be misconceived.		
		The SPD is based upon the findings of the Open Space and Play Strategies. The Open Space and Play Strategies are deficient in many aspects and are therefore not a robust evidence base on which to base new policies.	The Open Space Strategy has been amended to address some issues and to ensure that the evidence base is robust.	Some standards have changed and therefore have been changed in the SPD.
		The Lancashire County Council Planning Obligations paper is not a document which has any significant weight in the planning process as it has not been subject to any extensive public consultation in Rossendale and does not form any part of the formal development plans system.	While this may be the case, it is still a useful guide to formulating policy and is therefore still relevant in considering the policy context.	No change
		The NPFA six acre standard was originally developed in 1925 and although it has been reviewed and revised since, it is still a national standard which is based upon research at local level. PPG17 makes it clear that local authorities should adopt local standards based upon robust local research. As the latter has not taken place, the former cannot be developed at this time and is therefore inappropriate to attempt to introduce financial contributions.	The Open Space Strategy has been amended and now demonstrates why national standards such as the NPFA are considered suitable locally or why national standards have been deviated from in arriving at local standards.	Some standards have changed and therefore have been changed in the SPD.
		Page 14 – it is not clear why and how developer contributions may be required for allotments and community gardens and civic spaces when no standards of provision exist and no robust evidence of need is in existence.	Contributions are not required for these typologies.	No change

<u>Ref</u>	<u>Body/Organisation</u>	<u>Representation</u>	<u>Responses</u>	<u>Changes</u>
		<p>No rationale is provided, either in the SPD or in the Open Space Strategy, for adopting the national NPFA standards at a local level. No account is taken in either the Open Space Strategy or in the SPD of the fact the NPFA standard for outdoor play space is actually split into two elements- equipped play space and casual/informal playing space within the housing areas, and thus the total amount of play space currently available is almost certainly underestimated. Furthermore, it is considered that the principle of adding a fourth tier of play area (District Equipped Areas of Play) is entirely lacking justification or logic. If local levels of play space are adequate in quantitative or qualitative terms, then the play space element of the total contribution should not be payable. To pool such funds for unspecified strategic/open space is contrary to national planning policy guidance.</p>	<p>The Open Space Strategy has been amended and now demonstrates why national standards such as the NPFA are considered suitable locally or why national standards have been deviated from in arriving at local standards. District Equipped Areas of Play have been adopted by several other Authorities in their considerations of open space. They provide a different level of the hierarchy which is used for slightly different functions than local play space and attracts people from a wider catchment.</p> <p>The SPD has been amended to remove reference to pooled contributions – contributions are now only sought for open spaces that serve the new development.</p>	<p>Some standards have changed and therefore have been changed in the SPD. References to pooled contributions have been deleted.</p>
		<p>The SPD appears to suggest that new development should contribute towards the maintenance, not only of any new provision which is demonstrably required as a result of development, but also for existing facilities. Any increase in maintenance costs of an open space facility which can be directly ascribed to additional use generated by a nearby residential development would be marginal. Therefore it is suggested that to apportion an arbitrary figure of £800 pre dwelling for maintenance is unacceptable.</p>	<p>Maintenance of open space that will be used by future residents, including off-site, is a vital element of any open space contribution to ensure that the added burden placed on those open spaces by the additional residents. Therefore, it is included in the calculations. The amount required is calculated on the basis of the costs of maintaining open space in proportion to the number of dwellings. This will be the same whether the open space is existing or new.</p>	<p>No change</p>

<u>Ref</u>	<u>Body/Organisation</u>	<u>Representation</u>	<u>Responses</u>	<u>Changes</u>
		The detailed costs as set out in Appendix A are questionable, as they are calculated on the basis of standard contribution costs which appear to be much higher than the costs provided in the NPFA Cost Guide.	The costs are based on figures provided by the Streetscene department of the Council, based on the costs that they have incurred in creating such facilities in the past.	No change
		It is suggested that the monitoring section should contain some reference to a mechanism to claw back any unused contributions after a ten year period.	SPD has been amended to make allowance for the re-payment of unused contributions within 10 years of the completion of the development.	p.29 – a timeframe of 10 years from the completion of the development has been included.
		Appendix A – the addition of a further 10% charge, on top of the identified building/contribution costs of play areas and sports pitches is not supported by any evidence to suggest that improvements to access are required in each case, or that 10% rate is appropriate.	The additional 10% has been deleted.	The additional 10% has been deleted.

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Braille, large print or audio tape**

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ھاڈا انی کون باھای پتے چان تاھلے انوگھ کرے آمادہرکے جانالے آمرا اتانتھ خوشی
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