

Braintree District Council

Braintree District Local Plan Review

Supplementary Planning Document

Open Space

Adopted November 2009

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1 INTRODUCTION

Purpose of this Guidance

1.1 The *Braintree District Local Plan Review (adopted in July 2005)* provides the basis for seeking planning obligations to provide a range of improvements that benefit the public. These include public open space and amenity space, community and other facilities including health and education, affordable housing to meet local need, access and transport infrastructure, conservation and utility infrastructure improvements (RLP163).

1.2 This *Open Space Supplementary Planning Document (SPD)* sets out guidance on the Council's approach to the provision of open space and sport and recreation facilities in conjunction with new housing and commercial development. This SPD is consistent with national guidance and primarily gives guidance on implementing Review Local Plan Policies RLP 138 (*Provision of Open Space in New Housing Developments*) and RLP 163 (*Infrastructure and Community Facilities*).

1.3 This SPD does not introduce any new policies, but gives guidance on how the existing policies should be interpreted. It gives developers and the public up to date information on open space provision within a development and financial contributions in lieu of on site provision which are reasonably related in scale and kind to development proposals. The open space provision or financial contribution is secured through an agreement or a unilateral undertaking under S.106 of the Town and Country Planning Act 1990. The rate of contribution will be reviewed regularly.

1.4 This SPD takes into account the open space quantity and quality audits undertaken in 2006 and published in the Braintree Green Spaces Strategy (BGSS) 2008, and reflects the open space standards and terminology set out in the Braintree District Local Plan Review. As such it is an interim guidance pending adoption of Local Development Framework policy documents. Revised standards reflecting the open space typologies of PPG 17 were set out in the Braintree Green Spaces Strategy and will be adopted as planning policy in the Development Control Policies DPD. A revised Open Space SPD will then be issued based on the revised standards and reflecting more fully the BGSS and any subsequent surveys and analyses.

Sustainability Appraisal/Strategic Environmental Assessment

1.5 The Government requires SPDs to be subject to a Sustainability Appraisal (SA) at all stages of preparation, under Section 39(2) of the Planning and Compulsory Purchase Act 2004. A SA provides an assessment of the social, economic and environmental impacts of the strategies and policies contained within a SPD to ensure that it contributes to the process of sustainable development. Furthermore an environmental assessment under the Environmental Assessment of Plans and Programmes Regulations 2004 must be undertaken. A SA accompanies this draft SPD.

What Is Meant By Open Space?

1.6 The definition of open space is given in *PPG17 Annex Paragraph 1*: Open space is defined in the Town and Country Planning Act 1990 as land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground. However, in applying the policies in this Guidance, open space should be taken to mean all open space of public value, including not just land, but also areas of water such as rivers, canals, lakes and reservoirs which offer important opportunities for sport and recreation and can also act as a visual amenity.

1.7 In this document the categories of open space are given in paragraph 5.5 and comprise formal open space, informal open space, amenity green spaces, provision for children and young people and allotments.

Objectives of this SPD

1.8 The main objectives of this SPD are to:

- Retain and improve access to open space, sport and recreation for all people
- Deliver a wide range of high quality open spaces throughout the District
- Provide an appropriate balance between the provision of new open spaces and the enhancement of existing open spaces so that the needs and aspirations of local communities are met.

1.9 The SPD will give greater guidance on how Braintree Local Plan Review Policy RLP138 will be implemented by ensuring that:

- within new development there is sufficient provision of open space
- where appropriate, adequate commuted sums are made in lieu of, or in addition to, informal open space provision and amenity green spaces
- where appropriate, adequate commuted sums are made in lieu of, or in addition to, playing pitch provision
- where appropriate, adequate commuted sums are made in lieu of, or in addition to, play provision
- where open space is to be taken into public ownership, adequate commuted sums are made to cover the costs of maintenance for an initial period of time.

This SPD should be read in conjunction with other policies in the Braintree District Local Plan Review, in particular Policies RLP 137 and RLP 163.

1.10 This SPD will enable developers to be aware at an early stage in the development process what contribution requirements for open space provision, are likely to be sought. Developers will be expected to take this into account and anticipate the financial implications for their development proposals. Setting out in detail expectations for the delivery of open space through provision or developer contributions will provide greater clarity and certainty for the development industry, the community, the Council and other stakeholders.

1.11 The level of standard charges set out in this SPD will be reviewed annually and adjusted to allow for inflation. Revised charges will be published on the Council's website.

2 PLANNING POLICY CONTEXT

National Guidance

2.1 The Government recognises that open space and opportunities for sport and recreation are fundamental in delivering its wider objectives for urban renaissance, social inclusion, healthy living and sustainable development. *Planning Policy Guidance 17* (PPG17) and its *Companion Guide* stress the need for local authorities to undertake robust local assessments of the existing and future needs of their communities for open space to underpin their development plans and community strategies. They emphasise the importance of setting *local* standards of provision based on quantitative and qualitative considerations. Planning obligations are identified as an appropriate means of remedying

local deficiencies in the quantity or quality of recreational facilities. Planning Policy Guidance 17 states in Paragraph 33:

“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.”

2.2 The current policy on planning obligations is detailed in *Circular 5/2005: Planning Obligations*, published in July 2005. Planning obligations are intended to make acceptable development which would otherwise be unacceptable in planning terms. For example, planning obligations may be used to meet a need for a particular facility that is relevant to planning but cannot be required through planning conditions, or to secure a contribution from a developer to compensate for loss or damage caused by a development. The need for additional open spaces or for compensation for the loss of open space arising from a development would be reasonably addressed through planning obligations. The Circular sets out the five policy tests prescribed for planning obligations. A planning obligation must be:

- (i) Relevant to planning;
- (ii) Necessary to make the proposed development acceptable in planning terms;
- (iii) Directly related to the proposed development;
- (iv) Fairly and reasonably related in scale and kind to the proposed development; and
- (v) Reasonable in all other respects.

2.3 The Open Space SPD meets these tests because:

- (i) A legitimate objective of the planning system is to ensure that there is adequate provision of open space to meet future needs;
- (ii) The planning obligation is necessary to ensure that the needs of residents and employees for access to open space can be met;
- (iii) The planning obligation will be based on the needs arising from the development to which the obligation relates;
- (iv) The amount of the obligation will be related to the size of the development; and
- (v) Planning obligations are recognised in PPG17 as a legitimate way of securing open space needs.

2.4 The Circular provides for contributions in kind or in the form of financial contribution and encourages the use of formulae and standard charges as a means of streamlining the planning process and making it more predictable and transparent. The use of maintenance payments and pooled contributions are also supported. The Government requires planning obligations to be plan-led and this Supplementary Planning Document endorses this approach.

2.5 Many local authorities have now introduced a tariff system, and Braintree Council supports Government proposals for a community infrastructure levy. It is likely that in due course contributions towards open space provision will be included as part of the Community Infrastructure Levy proposed under the Planning Act 2008. Local councils will be empowered to apply a levy on new developments in their areas to support infrastructure delivery. This will be applied through regulations, and Braintree Council is working towards introducing a CIL once these provisions are in force.

Regional Guidance

2.6 The East of England Plan (the Regional Spatial Strategy for the East of England) was published in May 2008 by the Secretary of State for Communities and Local Government. It covers the period to 2021. Policy ENV1: *Green Infrastructure* states that:

- Areas and networks of green infrastructure should be identified, created, enhanced and managed to ensure an improved and healthy environment is available for present and future communities.
- Green infrastructure should be developed so as to maximise its biodiversity value and, as part of a package of measures, contribute to achieving carbon neutral development and flood attenuation.
- In developing green infrastructure, opportunities should be taken to develop and enhance networks for walking, cycling and other non-motorised transport.

Local development documents should:

- define a multiple hierarchy of green infrastructure, in terms of location, function, size and levels of use, based on analysis of natural, historic, cultural and landscape assets, and the identification of areas where additional green infrastructure is required;
- require the retention of substantial connected networks of green space in urban, urban fringe and adjacent countryside areas to serve the growing communities in key centres for development and change; and
- ensure that policies have regard to the economic and social, as well as environmental, benefits of green infrastructure assets and protect sites of European or international importance for wildlife.

2.7 Local Development Documents should set policies which respond to locally identified need, including increased demand for recreational open space associated with planned development, and identify the scale and location of green infrastructure required to ensure that existing, extended, and new communities are attractive places to live and work. Any tension between the multiple demands made on such infrastructure should be addressed.

Local Plan Policy

2.8 The current open space standards are given in Policy RLP 137 (*Open Space Standards*), and development proposals will be considered against the National Playing Fields Association Six Acre standard. For every 1,000 people there should be a minimum of 2.43 hectares of outdoor playing space, comprising:

1.6 – 1.8 ha for outdoor sport, pitches, greens and courts

0.6 - 0.8 ha of children's playing space,

subdivided into 0.2 – 0.3 ha of equipped playgrounds/adventure playgrounds

and 0.4 – 0.5 ha of casual or informal space within housing areas.

2.9 This Supplementary Planning Document is required by Policy RLP 138 (*Provision of Open Space in New Housing Developments*). This policy requires land to be made available for open space in proposals for residential development. It requires areas for play and formal recreation adequate in size and location to meet the needs of the development that it serves. Where individual developments would not warrant a directly associated open space provision financial contributions may be required to provide open space and equipment elsewhere and commuted payments may be required to cover future maintenance costs.

2.10 Other policies which address open space provision are set out in Appendix 1. For the guidance of developers a list of other relevant guidance on the provision and laying out of open space and ancillary equipment is given in Appendix 2. These and any subsequent

relevant guidance documents will be taken into consideration in assessing proposals for open space provision.

3 THE EVIDENCE BASE

3.1 The evidence base of this Open Space SPD comprises three different sources as follows:

- (i) The prime evidence base is the open space audit of 2006, published as an appendix to the Braintree Green Spaces Strategy (BGSS).
- (ii) This is supported where appropriate by the household, user and sports club questionnaire surveys of 2006.
- (iii) Guidance from relevant national and regional bodies such as CABE, Sport England, and Communities and Local Government and its predecessor government departments.

The Need for Open Space

3.2 Open space improves people's quality of life by enhancing the environment in which people live, improving the biodiversity of an area and, not least, providing opportunities for outdoor sport and recreation. Open space may also provide opportunities for nature conservation and education.

3.3 Braintree Council used the National Playing Field Association standard of 6 acres (2.43 hectares) per thousand people as the main guideline for the provision of sports and recreation facilities and open spaces (RLP 137).

3.4 The BGSS, adopted in August 2008, recommends standards for the provision, quality and accessibility of open space, derived from the findings of the Audit of Open Space and questionnaire surveys carried out in 2006-2007. Deficiencies in open spaces were revealed throughout the District, and these will be exacerbated by additional development. The BGSS will be used to determine the amount and type of open space provision required and the financial contributions required by this SPD will be used to make new provision and/or improvements to existing open spaces.

4 THE APPROACH TO OPEN SPACE DELIVERY

4.1 The BGSS was produced as part of the evidence base for the LDF. It identified areas of deficiencies and needs and set standards for the following types of open space – parks and gardens, amenity green space, playing fields and children's play spaces. Developers will be required to contribute towards these types of open space in accordance with the guidance given below. The BGSS will be taken into account when negotiating appropriate planning obligations arising from development in any given area.

4.2 The basic delivery mechanism will be on site provision and/or financial contributions towards these types of open space in accordance with the standards set out in the BGSS. Where there is no justification for additional open space provision within the local area, a financial contribution towards improving the quality of existing open space will be sought in accordance with the quality standards set out in the BGSS. The contribution will be used to improve and enhance existing open spaces within that area and for its future maintenance. This is justified to address the issue of the increasing pressure on existing open spaces which is generated by development.

4.3 The delivery of a network of high quality, sustainable open spaces and sport and recreation facilities depends not only on good planning, but also on creative urban landscape design and effective management (PPG17 para 2.1). Open spaces make a valuable contribution to townscape character and sense of place. Essex County Council's Urban Place Supplement describes the importance of open spaces in the townscape, providing vibrancy, a sense of space, quality of life for people and contributing to biodiversity. It gives guidance on designing for quality and functionality, and role of new development in securing this. In the public realm, open space also provides opportunities to secure public art. In addition open space also plays an important role in flood alleviation, and is integral to sustainable drainage solutions for new development.

4.4 As far as local authority-owned spaces and facilities are concerned, this will require multi-disciplinary working across different departments and, in some cases, with neighbouring councils or regional and national agencies. Delivering PPG17 objectives in many areas will depend on improving and enhancing the accessibility and quality of existing provision rather than new provision. Equally, where additional provision is required it should enhance the existing network. The value of open spaces or sport and recreation facilities, irrespective of who owns them, depends on the extent to which they meet clearly identified local needs and the wider benefits they generate for people, wildlife, biodiversity and the wider environment.

4.5 Green corridors are important to the people of Braintree. The main river valleys and disused railways provide fresh air and exercise, and are accessible from the main towns in the District. A number of byways, bridleways and footpaths provide access to and travel within the countryside. Where appropriate, existing landscape features such as hedges and ditches will form a basis for a network of green corridors linking more significant open spaces.

4.6 For large new developments, it will be appropriate for new provision to be made on-site. For smaller developments, provision on-site may only be required for play spaces and casual or informal recreation space where justified, with a requirement for a financial contribution towards new provision or improvements of other types of open space, such as outdoor sport, within the sub-area. Further details are given in Section 5.11 of this SPD.

4.7 This SPD sets out guidelines for securing the delivery of open space to meet needs generated by new development. These include:

- Open space standards.
- Contribution arising from residential, commercial and mixed use developments.
- Thresholds for provision
- Five categories of open space
 - Outdoor sport
 - Casual or informal space
 - Outdoor equipped playgrounds
 - Allotments
- On-site provision and financial contributions.
- Commuted payments towards the maintenance of new or improved open spaces.
- Management arrangements for open space.

5 DELIVERY OF OPEN SPACE

Delivery process

5.1 There is a six step process to calculating the open space requirements arising from development proposals:

- Step 1 – Determine whether open space provision is required
- Step 2 – Determine the appropriate type of provision
- Step 3 – Calculate required provision in line with standards
- Step 4 – Determine the location of provision
- Step 5 – Calculate of financial contributions for off-site provision
- Step 6 – Ensure the on-going maintenance of new and improved open space

Step 1: Determine Whether Open Space Provision Is Required

5.2 All development generates a need for community and infrastructure provision, including open space. Open space provision will be required from residential and commercial development (see paragraph 5.19). Policy RLP 138 *Provision of Open Space in New Housing Developments* applies to new housing developments, including the residential element of mixed use developments. It does not set any minimum threshold and therefore, apart from the exceptions listed below, all new housing developments that result in a net gain in residential units will be expected to contribute to the provision or improvement of open space. This includes proposals for:

- New housing units on previously undeveloped sites
- The net increase in housing units from redevelopment sites or the conversion of existing dwellings or change of use of other buildings
- Institutional uses, including nursing homes and sheltered accommodation, will be required to contribute to informal or formal outdoor recreation space
- Agricultural workers dwellings
- Self-catering holiday accommodation that is capable of normal residential use
- Gypsy/traveller/residential caravan sites

In the case of revised planning applications where the proposed number of bedrooms increases as a result, open space provision will be required in respect of that increase.

When is Open Space Provision Not Required?

5.3 The following types of development will not be required to contribute to open space provision:

- One for one replacement dwellings
- Extensions
- Self-contained annexes and conversion of outbuildings in the countryside which under Policy RLP 18 will be subject to a planning obligation or condition restricting them to ancillary use.

Step 2: Determine the Appropriate Type of Provision

5.4 The categories of open space provision are given in Table 1 below. They comprise

Outdoor Sport

This includes provision for playing pitches, including grass, artificial and synthetic surfaces for team sports at a youth and senior level with access, car parking and changing facilities, together with any necessary landscaping. Other types of provision include greens and courts, together with changing rooms and other ancillary facilities as necessary.

Casual or Informal space

Comprises casual or informal space used for play and recreation, kick-about areas for informal sport and village greens. It also includes landscaped parks and gardens, which typically includes paved and planted areas, footpaths and cycleways, trees, flower beds, shrubs, paths, lawns, seating and other furniture. In some cases informal space may include limited outdoor sports provision. It also comprises smaller landscaped spaces in and around housing areas which although not actively used for recreation do contribute to the public realm and the setting of development.

Outdoor Equipped Playgrounds

Includes a range of play provision for children catering for the needs of all young people and comprises both equipped and unequipped areas for play. These spaces should be close, accessible and secure, with seating for adults, litter bins and cycle racks. The Council does not encourage the provision of unequipped Local Areas for Play.

Allotments

An allotment is an area of land commonly within, or on the edge of, a developed area which can be rented by local people for the growing of vegetables, flowers or fruit. They provide opportunities for those who wish to do so to grow their own produce, and support health, sustainability and social inclusion. They also provide garden space for people who live in flats or lodgings and do not have access to their own garden. They were not included in the Braintree Open Space Audit as they were the subject of a separate study.

5.5 There are some types of space which will not be accepted as part of the open space provision. These are small areas of planting, space left over after planning (e.g. in and around blocks of flats or small insignificant areas of planting) or other incidental areas of land, such as road verges, for which no specific use is intended, areas around preserved trees and structural landscaping in an around development sites. However, the Council expects management arrangements for these incidental spaces to be put into place where they are to be adopted.

Step 3: Calculate Required Provision In Line With Standards

What Standards of Provision Are Being Sought?

5.6 For the purposes of this Supplementary Planning Document the adopted Braintree District Local Plan Review open space standards set in Policy RLP 137 will continue to be used. These are:-

Table 1: Open Space Standards (source: Braintree District Local Plan Review)

Type of Open Space	Area (Hectares per thousand population)
Outdoor Sport (youth & adult use)	1.6 – 1.8
Children's Playing Space	0.6 – 0.8
<i>Comprising:</i>	
<i>Outdoor Equipped Playgrounds</i>	<i>0.2 – 0.3</i>
<i>Casual or informal space within housing areas</i>	<i>0.4 – 0.5</i>
Allotments	0.23
Total	2.63

Residential Development

5.7 The basis for calculating the amount of provision required for each type of open space is derived from the theoretical population generated by the development. The Braintree Strategic Housing Market Assessment 2007 revealed that the average occupancy rate per dwelling in Braintree District was 2.36 in 2006. This figure will be the basis for calculating population estimates from residential development, whether or not part of a mixed use scheme.

5.8 From the open space standards given in Table 1, each inhabitant requires the following amount of open space:

- 16 - 18 sq m for outdoor sport (youth and adult)
- 6 - 8 sq m for children's playing space comprising
 - 2 - 3 sq m for outdoor equipped playgrounds
 - 4 - 5 sq m for casual or informal space within housing areas.

These figures are averaged out for the purposes of calculating open space requirements generated by a proposed development.

Step 4: Determine the Location of Provision

5.9 Local priorities will be determined on the basis of evidence from the Braintree Green Spaces Strategy, which records deficiencies of open space within each local area. For the purposes of this SPD the local area will be determined by the accessibility standard for each type of open space being provided in accordance with Table 2.

Table 2: Accessibility Standards (source: Braintree Green Spaces Strategy)

Type of Open Space	Maximum Distance to nearest open space
Outdoor Sport (youth & adult use)	4km – 6km
Children's Playing Space	400m – 800m
<i>Comprising:</i>	
<i>Outdoor Equipped Playgrounds</i>	<i>Toddler/junior: 400m</i> <i>Teenage: 800m</i>
<i>Casual/informal space within housing areas</i>	<i>400m – 800m</i>
<i>Allotments</i>	<i>No standard set</i>

5.10 The basic premise of this SPD is that a development will generate a demand for open space use and, regardless of size, will make a financial contribution to a range of open space provision and/or improvements and enhancements. The way in which the contribution will be spent will depend on the needs of the locality in which the development is taking place. On larger developments some or all of the provision should be made on site through negotiation based on the threshold sizes and type of space required in the area.

Should Provision Be On or Off Site?

5.11 The next stage is to decide whether a specific type of provision is required on site. This will be determined in the context of the size of site, the surrounding area and the Braintree Green Spaces Strategy. Provision should be in accordance with Table 3.

5.12 On-site provision, particularly in the case of outdoor sport, will depend on the characteristics of individual sites. Developers are advised to discuss the Council's requirements with the Development Control Team prior to submission of planning applications. Consultation will be undertaken with Leisure Services before making a final assessment.

Table 3: Scale of Development and Form of Contribution

Type of Provision	1-9 Dwellings	10-50 Dwellings	Major developments (Over 50 Dwellings)
Allotments	Financial contribution	Financial contribution	Financial contribution (for development up to 250 dwellings) On site (in developments of 250 or more dwelling)
Outdoor Sport	Financial contribution	Financial contribution	Financial contribution (for developments up to 300 dwellings) On site (in developments of 300 dwellings or more)
Informal Open Space (incl. Parks)	Financial contribution	Either financial contribution and/or On site	On site
Casual Open Space	Financial contribution	On site	On site
Outdoor Equipped Playgrounds	Financial contribution	Financial contribution	On site

Step 5: Calculate of Financial Contributions for Off-Site Provision

5.13 Table 4 shows the financial contribution required from residential development, based on the number of bedrooms of each proposed residential unit. Appendix 2 shows how these figures have been derived. The definition to be applied to “bedroom” is given in the Glossary of Terms and Abbreviations.

Table 4 Financial Contributions from Residential Development by Size of Dwelling

	1 bedroom	2 bedrooms	3 bedrooms	4+ bedrooms
Contribution per dwelling	£785.32	£1,112.55	£1,570.63	£2,290.51

Step 6: Ensure the On-Going Maintenance of Open Space

5.14 The long term maintenance of open spaces is becoming a financial burden to local authorities. Commuted payments for the maintenance of open spaces is time limited, and consequently the costs of maintaining publicly owned open spaces are expected to escalate in the future. As a general rule there will be no requirement to transfer the legal title of open spaces on a development to the Council. Developers will need to put in place appropriate management arrangements, including the creation of management companies and, where appropriate following negotiation, adoption by parish or town councils, or a recognised and established trust.

5.15 The order of preference for the management of open spaces is a management company, a recognised established trust and finally the town or parish council. Where local open space is to be transferred to a town or parish council, commuted sums for maintenance will be required and would be passed on as appropriate. Open space may exceptionally be transferred to the District Council where it is part of a strategic network.

5.16 For amenity spaces and unequipped play spaces the developer will ensure continued maintenance through an independent management company where ownership is shared between all residents. Should the management company fail in its responsibilities, it would fall to the residents to regulate its performance.

5.17 In the past it was common for commuted sums to be based on a 10 year maintenance period. This period was clearly inadequate and has led to an increasing maintenance burden for local authorities. Therefore where, exceptionally, the open space is to be transferred to the Council or a town or parish council, the maintenance period used for the calculation of a commuted sum will now normally be 25 years to ensure that the costs will not be borne by the local authority in the short to medium term.

5.18 The amount of financial contribution towards the maintenance of open spaces transferred to a town or parish council or, in exceptional circumstances, the District Council is given in Table 5. Appendix 2 shows how these figures have been derived.

Table 5: Financial Contributions from Residential Development towards Maintenance by Size of Dwelling

	1 bedroom	2 bedrooms	3 bedrooms	4+ bedrooms
Contribution per dwelling	£455.76	£645.66	£911.52	£1,329.30

Commercial Development

5.19 Commercial development is also expected to contribute to open space provision since employees create a demand for using open spaces and recreational facilities during lunch breaks or before or after work. This follows from Policy RLP 163 whereby all development will be expected to provide improvements to infrastructure and community facilities, including amenity space and recreation space, together with commuted sums to cover ongoing maintenance.

5.20 Casual or informal open space and outdoor sports provision will be required from B1, B2 and B8 development, subject to a minimum threshold of 1,000 sq m. There will be no requirement to contribute to outdoor equipped playgrounds or allotments.

5.21 Whilst most forms of commercial development will contribute to off-site open space provision or enhancement through financial obligations, casual or informal open space will be required on site within business parks and similar commercial developments as appropriate.

5.22 The amount of provision and/or financial obligation will be based on the amount of gross floor space and an assumed employment density for each type of use (see Appendix 2 and worked example below).

Calculation of financial obligation for a proposed B1(b) development of 1,500 sq m

Total amount of contribution = £126.92 x A ÷ B, where

£126.92 = the contribution per employee

A = Net increase in commercial floorspace (1,500)

B = Average employment space per employee for B1(b) use (29)

Total amount of contribution is therefore £126.92 x 1,500 ÷ 29 = £6,564.83

Calculation of area of on site informal open space for a proposed B1(a) development of 10,000 sq m

The area of informal open space required equates to the residential requirement of 4.5 sq m per 1,000 people.

The area of informal open space = 1.53 sq m x A ÷ B, where

1.53 = the informal open space requirement of 4.5 sq m per employee,

reduced to 34% to reflect the level of in-commuting

A = Net increase in commercial floorspace (10,000)

B = Average employment space per employee for B1(b) use (19)

Total area of informal open space is therefore 1.53 sq m x 10,000 ÷ 19 = 805.26 sq m

Payment of Contributions

5.23 Financial contributions are normally payable prior to commencement of the development. With larger developments, the Council may agree to payments being phased. The applicant should seek further guidance from the relevant case officer to determine whether phased payments may be acceptable on a scheme. The agreed phasing triggers will be included in the planning obligation and the developer will be required to notify the Council prior to the phasing triggers being reached. In some circumstances, for example in new neighbourhoods, the Council may require the developer to provide a bond to safeguard the provision of open space.

Unilateral Undertakings

5.24 In the interests of efficiency, and to reduce legal costs of both parties, the Council encourages the use of unilateral undertakings. The Council will encourage the use of a standard *pro forma* setting out the details to be included in a unilateral undertaking; this will be included as part of the local validation requirement for planning applications. A unilateral undertaking is only of value if it has been properly entered into by the owner of the land and any mortgagees of the land. Therefore the provider of the unilateral undertaking will be responsible for the Council's reasonable legal costs in checking the acceptability of the undertaking and will also be required to provide the Council with evidence of a legal title to the land. A developer intending to enter into a unilateral undertaking should contact the Council in the first instance to verify and confirm the level of financial contribution which is required.

Indexing of Payments

5.25 Where S106 financial contributions are not paid on the date of agreement to secure the planning obligation they will be subject to adjustments for increases in Retail Price Index from the date of the planning obligation to the date of payment.

Spending of Contributions

5.26 Financial contributions will be spent in accordance with the provisions of the relevant planning obligation, which will have taken into consideration the needs identified in the Braintree Green Spaces Strategy. The priorities will therefore differ according to the area in which the development is to be located. In general, and in no order of priority, the contributions will be spent on:

- Acquisition of land for open space.
- Laying out, landscaping and planting the open space, including provision of car and cycle parking and access, artificial pitches, play equipment, seating, lighting and other facilities which enable the safe use of the open space, and ground drainage, fencing or safety surfacing as necessary to enable the facility to meet acceptable standards.
- Purchase of equipment or facilities for existing open spaces.
- Improvement and enhancement of existing open spaces, encompassing land, equipment and/or facilities, including pavilions and changing rooms where necessary to meet new health and safety standards or increasing demand.

- Maintenance of new open spaces, equipment and facilities.

6 MONITORING

6.1 The Council will assess whether the open space secured through planning obligations is successful in meeting its Local Plan policies by monitoring the:

- Amount of contributions received
- Amount of contributions spent
- Extent to which existing deficiencies are being addressed
- Extent to which poor quality sites are being improved
- Customer satisfaction

Monitoring will be undertaken on an annual basis and form part of the Annual Monitoring report.

6.2 Should monitoring indicate that the planning policies and recreation strategies of the Council are not achieving their aims of meeting the need for open space of the right type in the right location, a review of those policies and strategies will be undertaken.

APPENDIX ONE: BRAINTREE DISTRICT LOCAL PLAN REVIEW OPEN SPACE POLICIES

Open Space issues are addressed in the Braintree District Local Plan Review 2005 through the following policies:

RLP 4 (*Prevention of Town Cramming*)

Within the housing strategy the importance of open spaces in preventing town cramming is recognised and RLP4 protects them from development. The Proposals Map shows visually important spaces, public open spaces, formal recreation spaces, Informal Recreation spaces, school grounds, churchyards and cemeteries.

RLP 9 (*Design and Layout of Housing and Mixed use Areas*)

Requires high standards of design and layout in housing and mixed-use developments, including the provision of adequate play areas and public open space.

RLP 136 (*Formal Recreation Policy*)

Prevents the loss or reduction of recreation sites allocated on the Proposals Map to development except where it is for a non-commercial voluntary use or for buildings ancillary to open space, or where it will assist in the provision of an improved facility.

RLP 137 (*Open Space Standards*)

Applies the National Playing Fields Association minimum standards for outdoor playing space of 2.43 hectares (6 acres) per 1,000 people.

RLP 138 (*Provision of Open Space in Housing Developments*)

Within new housing developments the council will require open space for play areas and for formal recreation. The open space is to be dedicated to the Council and a commuted payment will be required to cover future maintenance costs. Where individual developments would not warrant a directly associated open space provision, commuted payments will be required to provide open space elsewhere.

RLP 139 (*Allotments*)

Protects allotments from development unless they are being replaced elsewhere or it can be demonstrated that they are no longer needed.

RLP 140 (*River Walks/Linear Parks and Disused Railway Lines*)

Protects linear features such as river walks, linear parks and disused railway lines from development, and where development is permitted adjacent to them the Council seeks to extend river walks and linear paths and links to them.

RLP 141 (*Informal Countryside Recreation Areas*)

In the countryside the Council aims to extend opportunities for informal recreation, particularly in the river valleys and on restored mineral workings.

RLP 142 (*Country Parks*)

Identifies an area of sand and gravel workings between Hatfield Peverel and Witham for use as a country park.

RLP 163 (*Infrastructure and Community Facilities*)

Developments will be expected to provide improvements to infrastructure and community facilities appropriate to the location, density, scale and nature of the development. Planning agreements will be sought in appropriate cases to include, amongst other things, public open space, children's play space and conservation and enhancement of open space.

APPENDIX TWO: DERIVATION OF COSTS

This appendix explains the source of the costs used in the Open Space Supplementary Planning Document. It briefly describes what the costs include and how the cost per sq m is calculated.

Cost of Provision and Maintenance

Unless otherwise stated below, the average cost of provision and maintenance of different types of open spaces and sports facilities are comparable with neighbouring local authorities. The figures are based on 2008 prices.

Outdoor Sport

Outdoor Sports space includes formal playing fields with playing pitches and other outdoor facilities. Pitches include grass, artificial and synthetic for team sports at both junior and senior levels, plus changing facilities and car parking. Other facilities include courts, greens and athletics tracks together with ancillary facilities. The cost of acquiring and laying out a playing field is £55,750 per hectare and the cost of changing rooms and other facilities together with ancillary development is £111,500 per hectare. These figures give an average cost of provision of £16.75 per sq m. Maintenance costs for a 25 year period will be £77,770 per hectare for the playing fields and £57,700 per hectare for changing and ancillary facilities, or £13.55 per sq m.

Outdoor Equipped Playgrounds

Provision costs for children's playing space is based on Braintree District Council's cost of an equipped children's playground of £45,000 for 400 sq m or £112.50 per sq m. In addition there may be land acquisition costs estimated at £15,000 per hectare agricultural value; giving a total cost of £6,000 for 400 sq m or £127.50 per sq m. Maintenance costs of £50.50 per sq m for a 25 year period are based on those of neighbouring local authorities.

Informal Open Space

Informal Open Space includes parks and gardens and other defined open spaces used for walking, picnicking, casual play and games. Also includes linear open spaces such as green corridors, footpaths and cycleways within a defined open space and amenity green space. The creation and protection of woodlands, retention of areas of natural and semi-natural green space with particular value for nature conservation may also be considered as informal open space. In all cases it is important to maximise biodiversity.

The cost per hectare is £173,100 per hectare or £17.31 per sq m for provision and £48,560 per hectare or £4.86 per sq m for maintenance over 25 years.

Allotments

Provision and maintenance costs are based on neighbouring local authorities' figures, estimated at £46,160 per hectare or £4.62 per sq m for provision and £5,770 per hectare or £0.58 per sq m for maintenance over 25 years.

METHOD OF CALCULATING FINANCIAL CONTRIBUTIONS

Residential Development

The amount of financial contribution is based on:

- the size of dwellings proposed measured in number of bedrooms.
- the BDLPR standards of provision.
- the cost per person of providing, enhancing or maintaining open space.

Occupancy Rates

Assumptions about the average occupancy rate, by the number of bedrooms, per dwelling are based on the number of households in each dwelling band given in the *Braintree Strategic Housing Market Assessment 2007*, which approximately equals the average occupancy figure of 2.36 persons per dwelling. These figures will be the basis for calculating both on site open space provision and financial contributions towards off site provision and maintenance. For the definition of bedroom see Appendix 3.

Table 1: Dwelling Occupancy Rates by Number of Bedrooms

No. of Bedrooms	Average Occupancy (no. of persons)
1	1.2
2	1.7
3	2.4
4 or more	3.5

Open Space Standards

The open space standards are given in Policy RLP 137. Together with accessibility standards they are the basis on which open space requirements will be assessed.

Table 2: Braintree District Local Plan Review Open space standards

Type of Open Space	Hectares per 1,000 people	Square metres per person
Outdoor Sport	1.70	17.0
Outdoor Equipped Playgrounds	0.25	2.5
Casual or informal space within housing areas	0.45	4.5
Allotments	0.23	2.3

One of the BDLPR objectives is to “provide adequate land, of suitable quality, for allotments in appropriate locations to meet the needs of the District.” The standard for allotment provision is derived from the current total of approximately 325,600 sq m of allotment land in Braintree District serving a population of around 141,200, equating to approximately 0.23 hectares of allotment land per thousand people.

These open space standards are then applied to the average occupancy rates to give a requirement in sq m for the amount of each type of open space by the size of dwelling measured in the number of bedrooms:

Table 3: Open Space Requirements by Size of Dwelling

No. of Bedrooms	Formal OS (sq m)	Equipped Playgrounds (sq m)	Casual or Informal OS (sq m)	Allotments (sq m)	TOTAL (sq m)
1	20.4	3.0	5.4	2.8	31.6
2	28.9	4.3	7.6	3.9	44.7
3	40.8	6.0	10.8	5.5	63.1
4 or more	59.5	8.8	15.7	8.0	92.0

Accessibility Standards

Accessibility standards will be taken into account in assessing open space deficiencies. Whilst open space standards indicate at a broader level those settlements, wards or parishes that have deficiencies of open space, it does not take into account the location of existing open spaces relative to proposed development. All development will have to

contribute to making open space accessible to people, so even if existing open spaces meet standards a development may still be required to contribute towards open space types which fail to meet the accessibility standards or towards raising the quality of existing open spaces.

Table 4: Accessibility Standards (Braintree Green Spaces Strategy)

Type of Open Space	Maximum Distance to nearest open space
Outdoor Sport	6 km
Equipped Playgrounds: Toddler/junior	400 m
Teenage	800 m
Casual or informal space within housing areas	800 m
Allotments	No standard set

Average cost of provision per person

The contribution per person to be sought from development through planning obligations is calculated by multiplying the cost of provision per square metre of each type of open space by the area in square metres per person required by Policy RLP 137:

Table 5: Average Cost of Provision Per Person

Type of Open Space	Average Cost of Provision (per sq m) (A)	Open Space Requirement (sq m per person) (B)	Average Cost per person (A x B)
Outdoor Sport	£ 16.75	17.0	£ 284.75
Equipped Playgrounds	£112.50	2.5	£ 281.25
Casual or Informal Space	£ 17.31	4.5	£ 77.90
Allotments	£ 4.62	2.3	£ 10.63
Cost per person			£ 654.53

Financial Contribution by Size of Dwelling

Financial contributions are based on the average cost per person for each open space type (Table 5) and the dwelling occupancy rates per bedroom (Table 1).

Table 6: Financial Contributions towards Provision by Size of Dwelling

Type of Open Space	1 bedroom	2 bedrooms	3 bedrooms	4+ bedrooms
Outdoor Sport	£341.70	£484.08	£683.40	£996.63
Equipped Playgrounds	£337.50	£478.13	£675.00	£984.37
Casual or Informal Space	£ 93.42	£132.35	£186.84	£272.48
Allotments	£ 12.70	£ 17.99	£ 25.39	£ 37.03
Contribution per dwelling	£785.32	£1,112.55	£1,570.63	£2,290.51

Average Cost of Maintenance

Because of increasing financial pressure on local government services the Council wishes to encourage the maintenance of any new open spaces by a management company or trust. Where an open space is to be handed over to a town or parish council or, exceptionally, the District Council, a commuted sum will be required to ensure its

maintenance over a period of 25 years. The annual average contribution per person is calculated in a similar way to provision costs to give the following figures:

Table 7: Average cost per person of Maintenance for 25 years

Type of Open Space	Average Cost of Maintenance for a 25 year period (per sq m) (A)	Open Space Requirement (sq m per person) (B)	Average Cost per person for 25 year period (A x B)
Outdoor Sport	£13.55	17.0	£230.35
Equipped Playgrounds	£50.50	2.5	£126.25
Casual or Informal Space	£ 4.86	4.5	£ 21.87
Allotments	£ 0.58	2.3	£ 1.33
Cost per person			£379.80

Table 7 is then multiplied by the dwelling occupancy rates per bedroom (Table 1) to give the following maintenance rates for a 25 year period by type of open space and size of dwelling:

Table 8: Financial Contributions towards Maintenance by Size of Dwelling

Type of Open Space	1 bedroom	2 bedrooms	3 bedrooms	4+ bedrooms
Outdoor Sport	£276.42	£391.43	£552.84	£806.23
Equipped Playgrounds	£151.50	£214.62	£303.00	£441.87
Casual or Informal Space	£ 26.24	£ 37.18	£ 52.49	£ 76.55
Allotments	£ 1.60	£ 2.26	£ 3.19	£ 4.65
Contribution per dwelling	£455.76	£645.66	£911.52	£1,329.30

Worked Example

The following example shows how on-site provision and financial contributions to off-site provision and improvements and commuted payments towards maintenance of open spaces are derived. Calculations will be based on the area required for each type of open space according to Table 3 above.

In this example the proposed development consists of 20 dwellings, comprising 6 x 1 bedroom, 10 x 2 bedrooms and 4 x 3 bedrooms. Assessing this proposal against Table 3 in paragraph 5.11 indicates that Casual or Informal Open Space should be provided on-site, and Equipped Playgrounds, Formal Open Space and Allotments should be provided off-site through a financial contribution.

On site requirement for Casual or Informal Open Space

1B: 6 x 5.4 = 32.4 sq m

2B: 10 x 7.6 = 76.0 sq m

3B: 4 x 10.8 = 43.2 sq m

Total 151.6 sq m

Financial Contribution towards off site provision or improvements

Play space

1B: 6 x £337.50 = £2,025.00

2B: 10 x £478.13 = £4,781.30

3B: 4 x £675.00 = £2,700.00

Total (Play Space) £9,506.30

Formal OS

1B: 6 x £341.70 = £2,050.20

2B: 10 x £484.08 = £4,840.80

3B: 4 x £683.40 = £2,733.60

Total (Formal OS) £9,624.60

Allotments

1B: 6 x £12.70 = £76.20

2B: 10 x £17.99 = £179.90

3B: 4 x £25.39 = £101.56

Total (Allotments) £357.66

Total (Play space + Formal OS + Allotments) £19,488.56

Commuted Payment for the maintenance of off site open spaces are required where the open spaces are to be transferred to a town or parish council or, exceptionally, to the District Council. The payment covers maintenance costs for an initial period of 25 years. Where the open spaces are to be vested in a management company or recognised established trust then no maintenance contribution is required.

Financial Contribution for Maintenance for a 25-year Period

Play space

1B: 6 x £151.50 = £ 909.00

2B: 10 x £214.62 = £2,146.20

3B: 4 x £303.00 = £1,212.00

Total (Play Space) £4,267.20

Formal OS

1B: 6 x £276.42 = £1,658.52

2B: 10 x £391.43 = £3,914.30

3B: 4 x £552.84 = £2,211.36

Total (Formal OS) £7,784.18

Allotments

1B: 6 x £1.60 = £ 9.60

2B: 10 x £2.26 = £22.60

3B: 4 x £3.19 = £12.76

Total (Allotments) £44.96

Total (Play space + Formal OS + Allotments) £12,096.34

Commercial Development

The method of calculating the amount of financial contribution is based on the

- Type of use
- Minimum size threshold of 1,000 sq m
- Net increase in commercial floor space
- Assumed number of employees based on average employment densities
- Cost per employee of providing, enhancing or maintaining open space.

Employment Densities

Type of Use	Employment density (space per employee)
B1 (a) offices	19 sq m
B1 (b) research & development/ high technology	29 sq m
B1 (c)/B2 industrial	34 sq m
B8 warehousing	50 sq m

The space per employee is taken from *Employment Densities: A Full Guide (Final Report for English Partnerships, July 2001)*. This is the latest comprehensive study which includes a broad range of commercial uses. The Development Control Section should be consulted in relation to densities for other uses.

Cost per Employee

The cost per employee is derived from the average cost per person referred to in the residential section above. Many persons reside and work in the District, but many people working in the District do not live in it. The commercial contribution will therefore only be applied in respect of employees travelling to work in Braintree District from elsewhere. The latest information on in-commuting is derived from the 2001 Census, when 34% of the District's workforce lived outside the District. This factor will be applied for the purposes of calculating commercial financial contributions.

Where provision of informal open space is to be made on site, the size of space required will be 4.5 sq m per employee, with the number of employees being assessed in accordance with the average employment densities

Calculation of Contribution

The amount of contribution is based on the gross floorspace to be provided, using the formula $A = B \times C \div D$, where

A = Total amount of contribution

B = Cost per employee = 34% of the average cost per person of providing outdoor sports facilities and casual or informal space (£373.28) = £126.92.

C = Net increase in commercial floorspace

D = Floorspace per employee.

GLOSSARY OF TERMS AND ABBREVIATIONS

Terms

Bedroom

A room within a dwelling, the main purpose of which is for sleeping. For the purposes of this SPD any room with a window that could be used to sleep in, for example a study or extra living or dining room, is deemed to be a bedroom regardless of what it is actually used for. This excludes bathrooms, toilets, landings, halls and lobbies and rooms that can only be used for storage.

Local Development Document

One of the set of documents which together make up the LDF for a local planning authority area. They comprise the core strategy, development plan documents, supplementary planning documents, annual monitoring reports and sustainability appraisals.

Local Development Framework

The Local Development Framework is a bundle of Local Development Documents which together cover the whole of the District and give comprehensive policy cover at a detailed level.

Planning Obligation

Obligation (either an agreement or unilateral undertaking) under Section 106 of the Town and Country planning Act 1990 (as amended).

Standard Charges

Standard charges are a set of formulae that are used to estimate the amount of contributions that are likely to be sought for a particular type of development based on a local planning authority's policies and evidence of the common impacts of development. These will then be secured through a planning obligation.

Supplementary Planning Document

A Supplementary Planning Document expands upon and provides further guidance on how one or more planning policies in the Braintree Local Plan review should be applied. Once adopted, an SPD will become a material consideration when considering planning applications. The effectiveness of SPDs are regularly monitored and reviewed where necessary.

Unilateral Undertaking

Where a planning obligation is required to secure a financial contribution, instead of agreeing obligations through the standard process of negotiation and agreement between the Council and the developer, developers may provide a unilateral undertaking. This is a document that contains covenants given by the developer and enforceable by the Council, but with no reciprocal covenants given by the Council. The Council will only rely on such a unilateral undertaking to secure a financial contribution if its provisions are acceptable to the Council. The provider of the undertaking will have to submit evidence of legal title to the application site with the undertaking and will be responsible for the Council's legal costs in checking the suitability and acceptability of the undertaking.

Abbreviations

BDLPR	Braintree District Local Plan Review (2005)
BGSS	Braintree Green Spaces Strategy (2008)
CABE	Commission for Architecture and the Built Environment
CIL	Community Infrastructure Levy
DPD	Development Plan Document
LDF	Local Development Framework
NPFA	National Playing Fields Association
PPG17	Planning Policy Guidance Note 17
S106	Section 106
SA	Sustainability Appraisal
SPD	Supplementary Planning Document