

Local Development Framework – Supplementary Planning Document (SPD) on Open Space – Report on Representations following public consultation

Portfolio Area: Councillor Nigel Harley, Enterprise and Culture
Councillor Roger Walters, Environment and Sustainability

Report Presented by: Stuart Kay

Background Papers: Braintree Local Development Scheme
Braintree Green Spaces Strategy
Draft Open Space Supplementary Planning Document

Corporate Implications: Please refer to table at end of report

Options:

1. To adopt the draft SPD on open space without modification.
2. To approve the draft SPD on open space with modification.
3. Not to approve the draft SPD.

Risks: The SPD is intended to assist in achieving open spaces to meet the needs of people living and working in new development in the District. Where it is not possible to achieve this through negotiation on Section 106 Agreements, and applications are refused the main risk is that the guidance set out in the SPD is not supported on appeal. There is also a small risk that the Secretary of State may direct that the Council should not adopt the SPD.

Executive Summary

The purpose of the report is to consider representations on the consultation draft Supplementary Planning Document on Open Space, to agree changes to the Document following the representations and to adopt it as a Supplementary Planning Document. The Draft SPD is based on the Braintree Green Spaces Strategy which was approved by the Council on 4th September 2008 as part of the evidence base for future green space planning policies in the Local development Framework, for future management and maintenance plans produced by the Council and as the basis for this Supplementary Planning Document. Public consultation took place over a six week period between 27th February and 10th April 2009 in accordance with statutory requirements, and covered both the SPD and the accompanying Sustainability Appraisal. Both documents were placed on the Council's website and were available for public inspection at the three main Council Offices and local libraries. 234 organisations and individuals were consulted on the documents and statutory notices published. The main issues raised during consultation were open space standards, categories of open space, basis of financial obligations (flat rate or stepped rate), schedule of costs, inclusion of commercial development and maintenance timescale. The SPD is part of the local development framework. It is not subject to independent examination and can be adopted by a resolution of this Panel following consideration of the representations received and indicating how the issues raised are addressed in the Document.

Decision

It is recommended that:-

1. the Panel considers the representations made and how the issues raised should be addressed in the document as set out in Appendix 1 to this Report.
2. the document is modified in accordance with the recommendations in Appendix 1 and adopted as a Supplementary Planning Document.

DRAFT SUPPLEMENTARY PLANNING DOCUMENT: OPEN SPACE DRAFT SUSTAINABILITY APPRAISAL

REPORT ON CONSULTATION RESPONSES

INTRODUCTION

1. Approval was given on 4th September 2008 for the preparation of a Supplementary Planning Document (SPD) based on the Braintree Green Spaces Strategy (BGSS). This Open Space SPD expands upon existing Braintree Local Plan Review Policies; a revised SPD based upon forthcoming Local Development Framework documents and new standards set out in the BGSS will be issued in due course.

2. Public consultation took place over a six-week period between 27th February and 10th April 2009 in accordance with statutory requirements, and covered both the SPD and the Sustainability Appraisal. Both documents were placed on the Council's website and were available for inspection at the three main Council offices and local libraries. 234 organisations and individuals were consulted on the documents and Statutory Notices published.

3. Comments on the SPD were received from 18 organisations and individuals as follows: 4 from developers or their agents, 2 from parish and town councils, 2 from parish councillors, 2 from other individuals, 2 from community groups, 1 from Essex County Council, 1 from Cambridgeshire County Council, 1 from East of England Regional Assembly, 1 from Sport England (Eastern Region), 1 from East of England Development Agency and 1 from Natural England.

4. Additionally 2 representations were made on the draft Sustainability Appraisal.

These representations are summarised in Appendix 1 to this report, together with comments and recommended responses. A draft of the SPD updated to include the recommended changes is attached as Appendix 2. The main issues raised were open space standards, categories of open space, basis of financial obligations (flat rate or stepped rate), schedule of costs, inclusion of commercial development and maintenance timescale.

Open space categories and standards – some confusion was caused by the SPD using Braintree District Local Plan Review definitions and standards, rather than those used in the Braintree Green Spaces Strategy. The SPD is amplifying BDLPR policies and cannot introduce new policies; new open space categories and standards can only be introduced as policy through a Development Plan Document. Alterations have been recommended to clarify this.

Basis of financial obligations – for simplicity the Draft SPD proposed a flat rate contribution per dwelling irrespective of dwelling size. On further reflection it is recommended that a stepped rate of contribution be adopted, based on the number of bedrooms in each new dwelling. This will be more equitable, and will reduce the cost to developers on the smaller dwellings.

Schedule of costs – it was considered that there was insufficient transparency in that the origin of costs given in the SPD was not clearly indicated. It is recommended that a new appendix be included in the document to show that the costs used are based on those used by other local authorities.

Inclusion of commercial development – the requirement for commercial development to make provision for open space contribution is based on the argument that employees coming into the district potentially use Braintree District's open spaces and sports facilities. Notwithstanding this it is recommended that retail development be excluded from this requirement.

Maintenance timescale – the Draft SPD proposed a 50 year period for maintenance contributions. It is accepted that most other local planning authorities are basing maintenance

charges on a 20 to 25 year timescale; many have shorter timescales. Reducing the period to 25 years will bring the document into line with neighbouring Councils.

5. Recent appeal decisions at Tendring District have led to financial contributions towards open space provision and improvements being rejected by planning inspectors because the District Council could not specify where the money would be spent and what it would be spent on. The Braintree Green Spaces Strategy recommended that an Action Plan be prepared which would provide this type of information. The appeal decisions indicated that the Planning Inspectorate is now applying Circular 05/2005 very strictly and is expecting Councils to justify the financial contributions being sought from developers. It is recommended that the Action Plan is prepared as soon as possible to ensure that the Council can substantiate its claim for financial contributions in the event of any future appeal. The information in the Action Plan will also be necessary as part of the infrastructure requirements needed for the Core Strategy and for the Community Infrastructure Levy.

The SPD forms part of the development framework, although it does not have development plan status. It will however be a material consideration in determining planning applications. It is not subject to independent examination and can be adopted by a resolution of this Panel following consideration of the representations received and indicating how the issues raised are addressed in the Document. The Secretary of State can direct authorities not to adopt documents and require them to be modified. Following adoption the authority must make the following information available:

- An adoption statement
- The adopted supplementary planning document
- A statement setting out how representations were dealt with
- A statement summarising how sustainability issues have been integrated into the document and how the sustainability appraisal and consultation has been taken into account and the reasons for choosing the document as adopted in the light of other reasonable alternatives

The adoption statement and the statement setting out how the representations were dealt with must be published on the Council's website and the adoption statement has to be sent to any one who has asked to be notified of the adoption of the SPD.

Corporate Implications				
Financial:	Costs of preparing, printing, sustainability appraisal and community involvement to be met from existing base budget and planning delivery grant. Use of the SPD is likely to result in increased S106 contributions towards open space provision and improvement.			
Legal:	Legal Services have been consulted on the Draft SPD.			
Equalities & Diversity:	Taken into account in the preparation of the SPD and the community involvement. No equality impact assessment has been undertaken.			
Customer Impact:	Residents will benefit from increased S106 contributions towards accessible open space.			
Environment & Climate Change:	Neutral impact.			
Consultation/Community Engagement:	Local Committees	No	Partners	Yes
	Public	Yes	Staff	Yes
Key Decision:	Yes			
Public/Private Report:	Public			
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APPENDIX 1 : REPRESENTATIONS ON DRAFT OPEN SPACE SUPPLEMENTARY PLANNING DOCUMENT

Paragraph No.	Representation	Response
Q1 (General comments)	<p><u>60626/32 (Roy Warren, Sport England)</u> GENERAL - SUPPORT - Sport England welcomes the publication of the draft SPD and considers it to be a good example of a SPD in relation to outdoor sports facility provision. The content of the document is considered to be clear, comprehensive and robust.</p> <p><u>61997/34 (Witham Town Council)</u> Supports the Draft SPD.</p> <p><u>61605/37 (EEDA)</u> No comments to make on the document.</p> <p><u>284779/38 (BHC, Sturmer Parish Councillor)</u> Any new development should be planned with open aspects. Green spaces are also desirable within a larger community to encourage children's play and sport. Footpaths, walks etc. for more leisurely activities and also to allow for the exercising of pets. All these choices can be put into an overall larger area of development.</p> <p><u>284796/40 (D Garrod, Sturmer Parish Council)</u> England is a small island. We are building at a vast rate; green areas are being removed and concrete is taking over. The root of this problem is migration; supplying housing for migrants. Building 'clone' towns with the same department stores, etc. Little consideration is given to flooding. 'Open spaces' are now a minority - Appendix 3 entitled "Open Space Deficiencies" confirms this. The fact that even when there is massive objection, e.g. Stansted runway, the Government always decides that revenue is more important.</p> <p><u>285088/41 (Natural England)</u> In our opinion the provision of adequate amounts of open space is key to achieving multi-functional objectives, including the link between access to open space, recreation, and the health agenda, the provision of new habitats, and off-setting potentially damaging impacts to more sensitive habitats. There is therefore a key link between this document and the emerging Habitats Regulations Assessment, in relation to</p>	<p>Support is welcomed.</p> <p>Support is welcomed.</p> <p>Noted.</p> <p>Agreed. The main purpose of this SPD is to ensure that adequate provision is made for green spaces to meet the demand arising from new development.</p> <p>See comment on the representation 284779/38 above. Migration <i>per se</i> is not an issue for the local planning authority to consider. Future development levels are set by national government and the regional spatial strategies. Flooding is an issue which is being addressed in the LDF and will influence the location of new development.</p> <p>The views of Natural England are supported. However, this Draft SPD specifically deals with meeting open space needs, as defined in the Braintree District Local Plan Review, arising from new development. Consequently it does not expressly look at the provision of natural open space for the purposes of off-setting potentially damaging</p>

Paragraph No.	Representation	Response
Q1 (General comments) (cont.)	<p>disturbance of special interest features of sites which contribute to the Natura 2000 network (including the Colne and Blackwater Estuaries), due to increased pressures from people attracted to housing development in nearby Districts. It would be appropriate for this link to be explicitly recognised in the Open Space SPD, perhaps within Section 2 Planning Policy Context.</p> <p><u>62089/48 (Essex County Council)</u> Essex County Council previously responded to the Braintree Green Spaces Strategy which was used as the evidence base for this document. Consequently, we hope that our comments have been considered in the preparation of this document.</p> <p><u>62089/49 (Essex County Council)</u> Overall, the draft SPD is concerned with quantity/developer contributions rather than quality. Quality is covered by the Braintree Green Spaces Strategy (2008) where reference is made to the PPG17 quality audit but I would like to have seen these aspirations reinforced in the draft SPD.</p>	<p>impacts on more sensitive habitats outside the District. The Local Development Framework will recognise and address these issues and, once appropriate planning policies are adopted, a revised SPD that takes on board many of Natural England's views may be issued.</p> <p>Several changes to the BGGs were made following ECC's representations. Most related to issues of quality, management and maintenance and are beyond the scope of this SPD. Nevertheless they will influence the Council's approach to improving the quality of open spaces.</p> <p>The primary purpose of this Draft SPD is to address the issue of meeting open space needs arising from new development, and specifically to give additional guidance on how Policies RLP138 and RLP 163 will be implemented. A revised SPD to be issued under the LDF will take a broader view of open space, and include guidance on the provision of natural and semi-natural greenspace, habitat creation and raising the quality of open spaces. It will be based on the standards referred to in the BGSS.</p>
1.2 (Purpose of this Guidance)	<p><u>61728/53 (Mr Stewart Patience, Cambridgeshire County Council)</u> Cambridgeshire County Council notes that the focus of the Braintree District Draft Open Space SPD is on the provision of local open spaces as defined in the existing Local Plan and therefore has no comments in relation to the open spaces standards proposed.</p>	Noted.

Paragraph No.	Representation	Response
1.7 (What is Meant by Open Space)	<p><u>61985/3 (Mr Ken Squibb, Convent Lane & Broad Road Action Group)</u> BDC should continue with its objective to create a community woodland.</p> <p>The Straits Mill area, including the two fishing lakes, is used for recreation and fishing by many people. It should be designated as a Public Open Space. Compulsory purchase powers should be used to achieve this.</p>	<p>The designation of Public Open Space is not a matter that can be considered by this SPD, and therefore there is no basis on which to compulsory purchase this land. Both of these matters can only be considered as part of the LDF.</p> <p>Currently there is no Council policy to create a community woodland in this area. One of the landowners was approached to see if they would be willing to assist in the creation of a community woodland, but the response was negative.</p>
1.9 (Objectives of this Guidance)	<p><u>61985/4 (Ken Squibb, Convent Lane and Broad Road Action Group)</u> Land at Straits Mill is privately owned, with many public footpaths and a fishing lake, and used by people from all over Braintree. The condition of the paths and trees is deteriorating, and there are problems with litter and blocked watercourses. Legislation should be used to ensure that the landowners clean up their land and clear the waterways; the public footpaths should be periodically inspected.</p> <p>The Council should compulsorily purchase the land, which should be designated a community woodland, with assistance from local committees. This area could link up with the Bocking Blackwater project.</p> <p>The site lies within the Landscape Setting Area B15 in the Settlement Fringe Landscape Capacity Analysis For Braintree and Environs (Nov 2007)</p>	<p>(i) Four statutory public footpaths (FP34, FP35, FP36 and FP37) and one bridleway (BP133) cross this area and are very well used by the public. There are a number of other informal paths which, although not statutory paths, are also well used. Additionally, public footpath FP52 links this area with Bocking Blackwater and meadows on the south side of the river Blackwater. The County Council, as highways authority, have a rolling programme for inspection of public rights of way, and will also respond to public complaints about the condition of any individual right of way.</p> <p>(ii) Watercourses are not the responsibility of the District Council.</p> <p>(iii) See previous response on the community woodland proposal.</p> <p>(iv) A public footpath (PF52) already links this area with Bocking Blackwater and land on the south side of the river Blackwater which is a public open space.</p> <p>(v) Landscape Setting Area B15 has a medium to high landscape character sensitivity, a medium visual sensitivity and a medium to high landscape value. It makes an important contribution to the setting of northern Braintree and has a well-used public footpath network. The open nature of the area does mean that litter, power lines, industrial works and sewage works act as landscape detractors.</p>

Paragraph No.	Representation	Response
1.9 (Objectives of this Guidance)(cont.)	<p><u>62089/47 (Essex County Council)</u> The third objective (“improve accessibility to open spaces and sport and recreation facilities to groups and individuals with the greatest social disadvantage”) seems superfluous as the first objective has already mentioned retaining and improving access to all for open space, sport and recreation. Therefore I suggest omitting this objective particularly as the SPD does not really address the issue separately thereafter.</p>	<p>It is accepted that the third objective is not pursued through this SPD, although other services of the Council would have responsibility to improve accessibility to Council-owned open spaces. It is recommended that objective 3 be deleted.</p>
1.10 (objectives of this Guidance)	<p><u>61985/5 (Ken Squibb, Convent Lane and Broad Road Action Group)</u> Please refer to comments made in paragraphs 1.7 and 1.9, adding that BDC should make a policy of compulsory purchase of land considered to be of value and enhancement of the open spaces policy.</p>	<p>See above responses to representations on paragraphs 1.7 and 1.9.</p>
2. (National Guidance)	<p><u>285088/45 (Natural England)</u> We would again remind Braintree District Council of Natural England’s Accessible Natural Greenspace Standards (ANGSt), which advocate that every home should be within 300m of an accessible natural greenspace of at least 2ha, plus:</p> <ul style="list-style-type: none"> • At least one accessible 20 ha site within 2 km • At least one accessible 100 ha site within 5 km • At least one accessible 500 ha site within 10 km <p>This approach has the virtue of allowing deficiencies in open space provision to be identified at different landscape scales (as per ENV1), and often highlights areas which may have adequate existing small scale (2 and 20ha) greenspace but have no immediate access to any larger sites. This methodology would complement the accessibility standards from the BGSS, and could highlight wards with particularly pressing open space needs to which developer contributions could be channelled. It would also be helpful in conjunction with a future Braintree Green Infrastructure Strategy, allowing open space provision to be provided in a strategic and planned fashion as part of a wider vision of the greenspace and ecological networks at a District scale.</p>	<p>The primary purpose of this Draft SPD is to address the issue of meeting open space needs arising from new development, and specifically to give additional guidance on how Policy RLP138 will be implemented. It is recommended that adoption of the ANGSt standards be considered in the forthcoming Development Control Policies DPD.</p>

Paragraph No.	Representation	Response
2.3 (National Guidance)	<p><u>60869/56 (Mrs Susan Fuller, Bocking South Tenants & Residents Association)</u> Within any new development, not only should general open space provision be taken into account but also the type and size of people's gardens within new development, especially considering families with young children, and respecting their needs for quality of life and play space.</p>	<p>This SPD is addresses the provision of publicly accessible open spaces. Advice on private and communal gardens is included in the Urban Place Supplement, but private garden space standards could be re-considered in the Development Control Policies DPD.</p>
2.5 (National Guidance)	<p><u>275836/33 (Miss Anne Wood)</u> Supports the introduction of a Community Infrastructure Levy</p>	<p>Proposals for a community infrastructure levy will be put forward in the context of the local development framework, assuming that the legislative framework is in place.</p>
2.6 (Regional Guidance)	<p><u>274137/22 (Paul Bryant, EERA)</u> The Draft SPD is in general conformity with the adopted East of England Plan.</p> <p><u>61985/6 (Ken Squibb, Convent Lane and Broad Road Action Group)</u> Please refer to comments made in 1.7 and 1.9 and identify Straits Mill, Convent Lane, as an area of green space. The area is currently enjoyed by many including families in the community for what is required in the overall strategy to encourage non-motorised leisure such as cycling, walking/rambling, add to that fishing, jogging, dog walking. There is also much wildlife in the area which would be encouraged even more if the woodland and waterways were unblocked, cleaned up which would be the case if under BDC control.</p> <p><u>61728/54 (Stewart Patience, Cambridgeshire County Council)</u> Cambridgeshire County Council would wish to liaise with Braintree District Council in relation to any potential linkages between the green infrastructure, including examples given in the Braintree Green Spaces Strategy. It would therefore be helpful if the District Council could clarify whether the creation of a wider green infrastructure network will be considered as part of the emerging Development Plan Documents in accordance with Policy ENV1 of the Regional Spatial Strategy.</p>	<p>This confirmation is welcomed.</p> <p>See above responses to representations on paragraphs 1.7 and 1.9.</p> <p>The District Council will consider the creation of a wider green infrastructure network as part of the preparation of the LDF Allocations Document.</p>

Paragraph No.	Representation	Response
2.8 (Local Plan Policy)	<p><u>274054/10 (Unex Technical Services)</u></p> <p>Para 2.8 refers to Policy RLP 137 in which the National Playing Fields Association Six Acre Standard is adopted. It also refers to that standard being superseded by the Braintree Green Spaces Strategy, adopted in 2008. Since the Draft SPD is based on out-of-date standards it should be withdrawn and replaced by a document using the up to date standards.</p>	<p>The open space standards given in BDLPR Policy RLP 137 are the currently adopted planning standards. These can only be changed by a revision to planning policy under the LDF, which will be subject to public examination. Until that happens, RLP 137 remains in force, and the Open Space SPD must reflect those standards. The BGSS standards were adopted by the Council for the purposes of the LDF and will be incorporated into the Development Control Policies DPD, programmed for 2009-2010, and not likely to be adopted until 2011. For clarity it is recommended that references to the BGSS standards in paragraphs 2.8 and 5.8 be deleted, and the Introduction be amended by deleting paragraphs 1.4 and 1.5 and inserting a new paragraph 1.4 to read : “This SPD takes into account the open space quantity and quality audits undertaken in 2006 and published in the Braintree Green Spaces Strategy 2008, and reflects the open space standards set out in the Braintree District Local Plan Review. As such it is an interim guidance pending the adoption of Local Development Framework policy documents. Revised open space standards reflecting the open space typologies of PPG17 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.”</p>

Paragraph No.	Representation	Response
3.1 (Evidence Base)	<p><u>285088/44 (Natural England)</u></p> <p>We welcome the recognition of the key regional Policy ENV1: Green Infrastructure, which sets out the multi-functional value of open space provision and the need to define a multiple hierarchy of green infrastructure at local and district levels. (your Para 2.6). This is slightly at odds with the relevant Local Plan policy (Para 2.8) which concentrates mainly on provision for sport and outdoor recreation, which although undoubtedly valuable, only addresses part of the whole range of benefits and uses such provision may provide.</p> <p>This has implications for the acceptability of the Evidence Base (Section 3 of the SPD). Whilst the open space audit of 2006 (published as an appendix to the Braintree Green Spaces Strategy (BGSS)) is an excellent place to start, supported as it is by additional user questionnaire surveys, it's not clear that enough information is available to properly inform this SPD. We note that the results of the open space audit are attached as Appendix 3:Open Space Deficiencies, but only in the most generic terms of parishes/wards with particular needs. Our concern would be that basing financial contributions on deficiencies expressed in this fashion might lead to considerable difficulties of interpretation and is potentially open to challenge.</p>	<p>(i) The BDLPR policies referred to in the SPD remain in force until 2011 or until replaced by LDF documents. The BGSS will form part of the evidence base for LDF policies, together with any other supplementary information which may be required. The LDF documents will be in conformity with the Regional Spatial Strategy.</p> <p>(ii) The SPD will need to be supported by an Action Plan which will identify where new open spaces should be provided and what improvements will be made to raise the quality of existing open spaces. This will supersede the information on open space deficiencies contained in the BGSS and repeated in Appendix 3 of the Draft SPD and also avoid the difficulty of interpretation of Appendix 3. The Action Plan will be used to substantiate the open space or financial obligations required by the SPD.</p> <p>It is recommended that Appendix 3: Areas of Open Space Deficiency is deleted.</p>
3.2 (The Need for Open Space)	<p><u>61985/7 (Ken Squibb, Convent Lane and Broad Road Action Group)</u></p> <p>Landowners must not be allowed to stop the community from improving nature conservation and quality of life for us and future generations.</p>	<p>It is unrealistic to expect local authorities to compulsorily purchase land for the purposes of nature conservation. Bringing the land off of Convent Lane into public ownership cannot be justified by existing local open space deficiencies revealed in the PPG17 audit.</p>
4.2 (Basic delivery mechanism will be financial contributions)	<p><u>274054/11 (Unex Technical Services)</u></p> <p>Financial contributions should not be the basic delivery mechanism. In principle the basic delivery mechanism should be on-site provision with financial contributions towards off-site provision being a fall back position.</p>	<p>Although it is acceptable to have financial contributions as the basic delivery mechanism for infrastructure, and many Councils do, this SPD advocates a mix of on site provision and financial contributions. The first sentence of paragraph 4.2 does not reflect this. It is recommended that paragraph 4.2 be amended by inserting “on site provision and/or” between “be” and “financial” in the first sentence.</p>

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Paragraph No.	Representation	Response
4.2 (Basic delivery mechanism will be financial contributions) (cont.)	<p><u>274054/12 (Unex Technical Services)</u> If there is no justification for additional open space within a local area, financial contributions to open space will conflict with Circular 5/2005 <i>Planning Obligations</i> and would be at risk of legal challenge.</p>	<p>Paragraph 33 of PPG 17 states that planning obligations should be used as a means to remedy local deficiencies in the quantity or quality of open space, sport and recreation provision. Consequently it is legitimate to seek contributions towards raising quality in areas where there are no deficiencies in quantity. It is considered that the five tests set out in Circular 05/2005 would be met. For clarity it is recommended that paragraph 4.2 be amended by deleting the second sentence and substituting “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.”</p>
4.3 (Approach to Open Space Delivery)	<p><u>60869/57 (Mrs Susan Fuller, Bocking South Tenants & Residents Association)</u> Fully supports the approach to open space delivery in paragraphs 4.3 - open spaces for sport and recreation make a valuable contribution to townscape character - 4.4 and 4.5.</p>	<p>Support is welcomed.</p>
4.4 (Ownership of open spaces)	<p><u>61985/8 (Ken Squibb, Convent Lane and Broad Road Action Group)</u> Guidelines set out such as in paragraph 4.4 “The value of open spaces or sport and recreation facilities, irrespective of who owns them, depends on the extent to which they meet clearly defined local needs and the wider benefits they generate for people, wildlife, biodiversity and the wider environment.” In my opinion this approach has already been broken, as recently an area earmarked by BDC for a Community Woodland at Straits Mill, Convent Lane, was abandoned, as I understand it because of the unavailability of the landowner for discussion. This position must not be allowed to happen and compulsory purchase must always be an option.</p>	<p>See above responses to representations on paragraphs 1.7 and 1.9. The area at Straits Mill has never been formally earmarked for a community woodland.</p>

Paragraph No.	Representation	Response
5.2 (Step 1 – Determine whether open space provision is required)	<p><u>60626/24 (Roy Warren, Sport England)</u> SUPPORT - Sport England is supportive of the approach taken with respect to requiring all new housing developments to make provision for open space. In particular, we are supportive of smaller residential developments making appropriate provision for the additional open space needs they generate. Unless the cumulative impact on community infrastructure of such development is not made provision for, existing deficiencies in facility provision will be exacerbated and new deficiencies may be created.</p> <p><u>62089/50 (Essex County Council)</u> Section 5.2 final sentence (page 18) mentions the need to increase open space provision where a revised planning application proposes an increase in the number of habitable rooms. Provision is based on residential units rather than habitable rooms and therefore this sentence seems to be unnecessary.</p>	<p>Support is welcomed.</p> <p>It is recommended, under paragraph 5.19 below, that open space that provision should be based on the number of bedrooms in a dwelling. Consequently it is recommended that the final sentence in paragraph 5.2 be amended by substituting “bedrooms” for “habitable rooms”.</p>
5.3 (Step 1 – Determine whether open space provision is required – commercial development)	<p><u>60626/25 (Roy Warren, Sport England)</u> SUPPORT - Sport England is very supportive of commercial developments as well as residential developments making provision for open space. In the context of sport, non-residential developments such as retail, business/ industrial, hospitals, hotels and holiday villages can place pressures on existing sport and recreational facilities, as workers and visitors will use facilities provided for the residential population. For example, workers will use facilities close to their place of employment before, during and after working hours. If the impact of non-residential developments on sport and recreation facility provision is not adequately considered this can result in additional pressures being placed on nearby facilities provided for the resident population and can generate increased travel movements by car (e.g. workers driving out of employment areas to visit sports facilities in town centre/residential areas during their lunch break). For information, examples of local authorities that have established SPDs/SPGs relating to securing open space/sports facility provision from non-residential development are provided on Sport England's website at www.sportengland.org/index/get_resources/planning_for_sport_front_page/kitbag_front_page/kitbag_examples-2/kitbag_examples_employment.htm</p>	<p>Support is welcomed</p>

Paragraph No.	Representation	Response
5.5 (Step 2 - Determine the appropriate type of provision)	<p data-bbox="495 204 965 233"><u>60626/26 (Roy Warren, Sport England)</u></p> <p data-bbox="495 236 1294 403">SUPPORT - Sport England welcomes the definition of formal open space as this covers all of the most common outdoor sports facilities and will provide the Council with flexibility to help ensure that new development makes provision for meeting the full range of outdoor sports facility needs that they generate.</p> <p data-bbox="495 440 842 469"><u>285088/42 (Natural England)</u></p> <p data-bbox="495 472 1330 911">We have concerns that the definition of open space is being drawn too narrowly in this draft SPD, for example in the definition set out in Para 1.8 and enlarged on in Para 5.5. In particular, we would expect to see a category of ‘Natural and semi-natural space’ where the primary emphasis is on protecting and enhancing biodiversity amongst the other open space functions. Many of the other open space categories do also have some potential value for wildlife, with only sports pitches (category ‘Formal open space’) being intrinsically ‘biodiversity poor’ because of their specialist function. However, the value of open space for biodiversity very much depends on careful initial design based on a good understanding of ecological principles. We strongly recommend that more explicit consideration is given to this issue in Section 5 Delivery of Open Space, particularly in Step 2 and Step 6.</p> <p data-bbox="495 914 1151 943">With this in mind, we would make the following points:</p> <p data-bbox="495 946 1330 1281">i) That when designing an open space intended to benefit wildlife, special attention should be paid to its location relative to existing areas of semi-natural habitat nearby, especially those areas designated as SSSIs or Local Nature Reserves, or identified as Local Wildlife Sites (aka County Wildlife Sites). New or retained green space in or near new development is likely to be particularly valuable for wildlife where it enlarges, buffers or helps to connect these existing wildlife hotspots. The extent to which the new green space fulfils these functions will depend not only on its location but also on the habitats it provides.</p> <p data-bbox="495 1284 1330 1444">ii) That the value of an open space for wildlife depends not only on careful initial design but also on appropriate management. In many cases, better management for wildlife means less management (for example less frequent grass cutting and less use of fertilisers and pesticides than in a standard ‘amenity space’ management (cont....)</p>	<p data-bbox="1361 236 1615 264">Support is welcomed.</p> <p data-bbox="1361 472 2029 703">The categories of open space used in the SPD have to reflect those which are enshrined in the Review Local Plan policies. It is agreed that wildlife and biodiversity should be encouraged in all open spaces, but the purpose of the SPD is not to give advice on the design and management of open spaces. No changes are recommended.</p>

Paragraph No.	Representation	Response
5.5 (Step 2 - Determine the appropriate type of provision) (cont.)	<p>regime). This has obvious positive implications for long-term maintenance arrangements with developers secured under S106 agreements.</p> <p>iii) That any multi-functional open space can have significant value for wildlife, even if most of its area is given over to functions not directly related to wildlife conservation, provided the space is carefully designed with different functions emphasized in appropriate zones.</p> <p>iv) That, as a general rule, using native plant species is more beneficial to biodiversity than using exotic species, and plants that provide good sources of nectar, pollen and fruit for wildlife to feed on are particularly valuable.</p> <p><u>62589/51 (Essex County Council)</u> Section 5.5 (page 19) refers to the suitability of Amenity Spaces (i.e. casual smaller landscaped areas providing opportunities for public realm art). This may be referring to ‘stand-alone’ public art and if so would be too restricted an interpretation of public art as such art could be incorporated as enhancements in all the five types of open space provision outlined in this section.</p>	<p>Review Local Plan Policy RLP 94 (Public Art) is applicable to major developments or other schemes creating or modifying the layout of public places. It is accepted that it is misleading and too restrictive to suggest in the SPD that public art is appropriate for just one type of open space. It is recommended that the reference to public art in the last sentence of Paragraph 5.5 Amenity Spaces should be deleted.</p>
5.6 (Small or irregularly -shaped open spaces)	<p><u>274054/13 (Unex Technical Services)</u> It is wrong to suggest that open space should not be “irregularly-shaped”. Although the intention can be deduced, para 5.6 should be reworded.</p>	<p>Paragraph 5.6 states that the Council will not accept irregularly shaped open space for which no other use (including open space in a planning sense) can be found. It really refers to ‘space left over after planning’ as referred to in PPG17. For clarification it is recommended that paragraph 5.6 is reworded to read “There are certain 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 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 and around development sites. However, the Council expects management arrangements for these incidental spaces to be put into place where they are to be adopted.”</p>

Paragraph No.	Representation	Response
5.7 (What standards of provision are being sought?)	<p><u>274054/14 (Unex Technical Services)</u> Conflict between para 5.7, which sets out open space standards, and para 5.8 which notes that these have been superseded. The Draft SPD should be withdrawn.</p>	<p>See response on paragraph 2.8. The recently-adopted BGSS standards cannot be brought into effect until new policies are adopted as part of the Development Control Policies Supplementary Planning Document. For clarity it is recommended that references to the BGSS standards in paragraphs 2.8 and 5.8 be deleted, and the Introduction be amended by deleting paragraphs 1.4 and 1.5 and inserting a new paragraph 1.4 to read : “This SPD takes into account the open space quantity and quality audits undertaken in 2006 and published in the Braintree Green Spaces Strategy 2008, and reflects the open space standards set out in the Braintree District Local Plan Review. As such it is an interim guidance pending the adoption of Local Development Framework policy documents. Revised open space standards reflecting the open space typologies of PPG17 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.”</p>
5.11 (Allotment provision)	<p><u>274054/15 (Unex Technical Services)</u> States that if there is sufficient open space, then allotments should be provided. This conflicts with para 4.2 which states that a financial contribution should be made. If sufficient open space exists then there is no justification for any further contribution or alternative provision.</p>	<p>For the purposes of this SPD allotments are a category of open space. Allotments provision should be made in accordance with the standard, and is not dependent upon the availability of other types of open space. For clarity it would be more appropriate for paragraph 5.11 to follow 5.7 which also relates to standards. It is recommended that paragraph 5.11 be amended as follows: (i) In the first sentence delete “The standards for allotments is justified by the BDLPR” and insert “One of the BDLPR objectives is”; (ii) Delete remainder of paragraph and insert “The standard for assessing deficiency is 0.23 (cont....)</p>

Paragraph No.	Representation	Response
5.11 (Allotment provision) (cont.)		<p>hectares of allotment land per thousand people, which is currently the average District-wide provision; and (iv) Insert paragraph 5.11 after paragraph 5.7 and renumber paragraphs accordingly.</p>
5.16 (Should provision be on or off site?)	<p><u>274054/16 (Unex Technical Services)</u> Table headed “Scale of Development and Form of Contribution” indicates that informal open space on sites of up to 50 dwellings should be dealt with by financial contribution. Surely the option for on-site provision should also exist?</p> <p><u>60626/27 (Roy Warren, Sport England)</u> OBJECT - While Sport England is supportive of thresholds being set for off-site provision, I would recommend that the proposed threshold for formal open space relating to 50+ dwelling developments is reviewed. Based on Sport England's experience with dealing with outdoor sports facility provision associated with a wide range of residential developments, it is considered unlikely that there will be many residential developments between 50 and 300 dwellings that will be able to provide viable formal open space. As well as the physical space required to accommodate sports facilities, the sports facilities provided have to be financially viable to maintain over the long term which is an important consideration in view of the issues raised in the maintenance section of the SPD. Local authorities and other formal open space managers generally prefer not to manage small outdoor sports facilities such as single football pitches or tennis courts as they are relatively expensive to manage, unpopular with users (clubs generally prefer multi-pitch/court sites) and lack adequate ancillary facilities. As most developments between 50-300 dwellings are unlikely to be large enough to justify requiring formal open space other than small scale large number of residential developments to all provide small facilities, in most cases it is considered preferable to seek a financial contribution towards an off-site strategic project than require a potentially (cont....)</p>	<p>It is acknowledged that there is a greater variety in the sizes of informal open spaces than in the other types of open space. Consequently the option for provision on site should be included in the Table. It is recommended that the Table on page 23 headed “Scale of Development and Form of Contribution” be amended under Informal Open Space (incl. Parks) on sites of 10-50 dwellings by substituting “Either financial contribution and/or on site” for “Financial contribution”.</p> <p>An earlier draft of the SPD had different thresholds: 1-50, 51-250, 251-450 and over 450 dwellings. The reason for reducing the thresholds is that very few of the larger sites are expected to come on-stream until the Core Strategy of the LDF has been adopted. It is accepted to provide viable formal open space the 50 threshold needs to be revised upwards. It is recommended that in the table “Scale and Development and Form of Contribution”, for Formal Open Space the entry under Major Developments (Over 50 Dwellings) should read “Financial contribution (for developments up to 300 dwellings) On site (in developments of 300 dwellings or more)”.</p>

Paragraph No.	Representation	Response								
5.16 (Should provision be on or off site?)	large number of residential developments to provide small facilities which may be less responsive to needs and which may have relatively high maintenance costs. To address this concern, it is recommended that the threshold is increased or reference is made to seeking a financial contribution as an alternative to on-site provision where local circumstances indicate that this is more appropriate based on criteria in section 5.18 of the SPD.									
5.18 (On or off site provision?)	<p><u>60626/28 (Roy Warren, Sport England)</u> OBJECT - The inclusion of a list of factors for assessing whether or not on-site playing provision should be made is welcomed as this provides helpful guidance for assessing individual proposals. However, as well as whether the site can physically accommodate a playing pitch, a related consideration is whether a playing pitch which is responsive to local needs and which is financially viable to manage in the long term can be provided. As set out in the response to paragraph 5.16, while a development may be able to physically accommodate formal open space such as a single small playing pitch or a single tennis court, this is rarely a preferable form of facility provision from a users perspective and from a management perspective. I would therefore recommend that this consideration is added to the list of factors.</p>	<p>On further consideration one effect of paragraph 5.18 could be to read it as a list of get out clauses. Therefore it may be more prudent to delete this paragraph and add a footnote to Table “Scale of development and Form of Contribution” stating that developers should discuss the Council’s requirements with the Council where the form of contribution is not clear.</p> <p>It is recommended that the Para. 5.18 be deleted and replaced by “5.18 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.”</p>								
5.19 (Step 5: Calculate financial contributions for off-site provision – residential development)	<p><u>261673/1 (Bermac Properties Plc)</u> It is not logical to apply the rates in Table 4 on a simple amount per dwelling basis. Clearly a 1-bed flat will generate a far lower impact on open space than a 5-bed house. Suggests a different rate should be applied for each type of property.</p>	<p>The flat rate per dwelling was originally chosen in the absence of statistics showing dwellings broken down by number of bedrooms. It has the advantage of simplicity. A large number of local authorities do set differential rates, often based on an assumption about the average occupancy per size of house by number of bedrooms. The Braintree SHMA provides information on the number of households by dwelling size (no. of bedrooms, and the following occupancy rate assumptions equate to the average occupancy rate for the District:</p> <table data-bbox="1377 1324 1758 1453"> <tr> <td>1 bedroom</td> <td>1.2 persons</td> </tr> <tr> <td>2 bedrooms</td> <td>1.7 persons</td> </tr> <tr> <td>3 bedrooms</td> <td>2.4 persons</td> </tr> <tr> <td>4/4+ bedrooms</td> <td>3.5 persons</td> </tr> </table>	1 bedroom	1.2 persons	2 bedrooms	1.7 persons	3 bedrooms	2.4 persons	4/4+ bedrooms	3.5 persons
1 bedroom	1.2 persons									
2 bedrooms	1.7 persons									
3 bedrooms	2.4 persons									
4/4+ bedrooms	3.5 persons									

Paragraph No.	Representation	Response
<p>5.19 (Step 5: Calculate financial contributions for off-site provision – residential development) (Cont.)</p>	<p><u>274054/17 (Unex Technical Services)</u> At what date was the financial contribution calculated. It appears to be based on the historic cost of providing off-site provision. It will now be too high as land values have fallen significantly.</p> <p><u>60626/29 (Roy Warren, Sport England)</u> OBJECT - This section does not identify the source for calculating the average cost of provision per sq.m. Without explaining how the costs have been derived the SPD may be challenged e.g. for formal open space, is the cost based on the District's own costs of providing playing fields or is it derived from national average estimates e.g. Sport England or Fields in Trust figures. It would help improve the robustness of the document if an appendix was included which explained the source of the cost for each type of open space, what the costs include (e.g. for outdoor sport does it include playing pitches, pavilions and associated car parking or just pitches?) and how average facility costs have been calculated to calculate a cost per sq.m.</p>	<p>It is recommended that these figures will form the basis for calculating rates based on dwelling sizes and the table in paragraph 5.19 be deleted and substituted by a new table indicating that the required contribution towards provision will be :-</p> <p>1 bedroom dwelling £785.32 2 bedroom dwelling £1,112.55 3 bedroom dwelling £1,570.63 4 bedrooms or more £2,290.51.</p> <p>The base date for the costs varied between 2007 and 2008. Provided that the costs are reviewed annually and increased in line with price indexation, then the value of the contribution will be maintained. Any change in land values will have some impact on the charges, but other costs may well have increased. Simply because the housing market is depressed it does not follow that the cost of providing and maintaining open spaces has fallen. Furthermore, the SPD is for the longer term, and if we accept reduced contributions now it would result in insufficient funds to provide land when values rise.</p> <p>The average cost of provision is based on those of neighbouring local authorities It is accepted that there is a need for greater transparency in the SPD over the costs of open space provision and maintenance. An additional Appendix to the SPD has been produced and the figures given in the Draft document have been revised where necessary. The new figures are based on dwelling size in response to representation 261673/1 above. It is recommended that a new appendix, Appendix Two: Derivation of costs and method of calculating financial contributions be attached to the SPD.</p>

Paragraph No.	Representation	Response
5.19 (Step 5: Calculate financial contributions for off-site provision – residential development) (Cont.)	<p><u>284779/39 (BHC, Sturmer Parish Councillor)</u> When it comes to funding, I note it says funding must be obtained. Does this mean once again taxing the developer - be they large or small. They are already expected to provide a % of all plots for social housing, and on larger developments help with village halls and other amenities. This is fine in theory, but it does put up the cost of each house for sale - above its actual value, so in fact every new purchaser is buying into a property which is over priced and in times of recession drops straight into negative equity. We have to find a safe and community approved way of securing the features which go to make an ideal development.</p>	<p>Funding the provision of open space from developer contributions is permissible under Section 106 of the Planning Act 1990 and within the guidelines of Circular 05/2005. In theory planning obligations should be taken into account by the developer or landowner, and the costs of them taken off the price of the land. The viability of any individual development, and the need to ensure that land continues to come forward for development to meet Local Plan and LDF requirements, will also be taken into consideration when seeking developer contributions. The alternatives are direct funding by the Council, gap funding by the Council, or other external funding opportunities which generally cannot be relied upon.</p>
5.20 (Step 5: Calculate financial contributions for off-site provision – office development)	<p><u>274054/18 (Unex Technical Services)</u> Commercial development should not be subject to open space sports provision. It is unrealistic to assume that 66% of employees (the in-commuting portion) will want to take part in formal outdoor sports. In the current economic climate any further burdens on the commercial development sector will simply make development proposals less viable and less likely to be built.</p> <p><u>274137/23 (Paul Bryant, EERA)</u> In seeking contributions from commercial development the Council notes that on-site provision will not be required apart from within business parks. In seeking off-site provision, and given that such obligations are based on the need for staff to access open space, the obligation must relate to the open space that is within walking distance of the development.</p>	<p>There are several local authorities that bring commercial development into open space provision. The contribution is based on 34% of the workforce being in-commuters. In terms of participation, it is accepted that not all employees will use open spaces, but then not all residents use open spaces. Response to the issue of the current economic climate is given in response to representations given in the response to representation no. 274054/17 above.</p> <p>On the assumption that employees may use open space before or after work, as well as during working time, it is not essential that all off-site provision must be made within walking distance. Accessibility is nevertheless a relevant factor and is covered by paragraph 5.13.</p>

Paragraph No.	Representation	Response
<p>5.20 (Step 5: Calculate financial contributions for off-site provision – office development) (cont.)</p>	<p>188131/55 (Miss Kelly Phillips, Indigo Planning (for Sainsbury))</p> <p>The Draft SPD sets out proposals for an approach to negotiating and securing planning obligations associated with new developments. Paragraph 1.3 states that the SPD does not introduce new policies, but offers guidance on how existing policies should be interpreted and gives the public up-to-date information on the financial contributions, relating to the type and scale of development proposed. The SPD states that proposals for commercial development (including retail development) will be required to make a financial contribution towards the open space provision in Braintree.</p> <p>Whilst the document states that "This SPD does not introduce any new policies, but gives guidance on how existing policies should be interpreted", we note that the specific requirements for commercial development are in fact new, as obligations for commercial developments are not outlined in either Local Plan Policies RLP138 or RLP163.</p> <p>This approach does not reflect the guidance of Circular 05/05. Paragraph B5 of Circular 05/05 states that the Secretary of State's policy requires, amongst other factors, that planning obligations are only sought where they meet all of the following tests. A planning obligation must be:</p> <ul style="list-style-type: none"> - relevant to planning; - necessary to make the proposed development acceptable in planning terms; - directly related to the proposed development; - fairly and reasonably related in scale and kind to the proposed development; and - reasonable in all other respects. <p>The SPD must adopt an approach that reflects Circular 05/05. We cannot readily foresee a situation when the provision of open space will be "necessary" for a retail scheme to be acceptable. If such a case were to arise, it should be addressed in its context and in the light of Circular 05/05. For this reason, we consider that retail development (& potentially other commercial development) be removed from the SPD.</p>	<p>The link between employment uses and open space demands is stated in paragraph 5.3. Circular 05/05 is met because meeting increasing demands for open space arising from development is a valid planning objective as expressed through PPG17 paragraph 20 which states that "local authorities should look to provide open space in commercial and industrial areas." Consequently it is valid to seek contributions from commercial development and many local planning authorities do so.</p> <p>In practice, open space contributions are unlikely to be required for retail and hotel developments in the District. Large retail outlets and hotels have a much larger proportion of part-time employees compared with other commercial sectors, and these are more likely to be residents of the District. It is recommended that references to retail development in paragraph 5.20 and references to retail and hotels in the table under paragraph 5.23 headed "Employment Densities" should be deleted.</p>

Paragraph No.	Representation	Response
5.26 (Step 6: Ensure the on-going maintenance of open space)	<p><u>274054/19 (Unex Technical Services)</u> Commuted payments for the maintenance of open space should be time limited because they are meant to provide only gap funding until the open space is fully established and the surrounding new residential dwellings are fully occupied by people paying rates.</p> <p><u>274054/21 (Unex Technical Services)</u> Policy RLP 138 states that “open space is to be dedicated to the Council”, but para 5.26 appears to discourage this.</p>	<p>Commuted payments are capital sums which fund maintenance costs over a period of time. It is accepted that under Paragraph B19 of Circular 05/2005 where contributions to the initial support of new facilities are necessary, these should reflect the time lag between the provision of the new facility and its inclusion in public sector funding streams. These pump priming maintenance payments should be time-limited and not required in perpetuity by planning obligations. Para 5.26 states that commuted payments for the maintenance of open spaces is time limited and are therefore in accordance with Circular 05/2005.</p> <p>This comment is taken out of context and is misleading. RLP 138 in fact states that “Where open space is to be provided for the benefit of the development itself and is to be dedicated to the Council, a commuted payment will be required to cover future maintenance costs.” Dedication to the Council is not a requirement. Paragraphs 5.26, 5.29 and 5.30 of the SPD indicate that open space will be transferred to the Council in exceptional circumstances and not as a general rule. Therefore is no conflict between the RLP and Draft SPD and it is recommended that no change is made to the Draft SPD.</p>
5.29 (Step 6: Ensure the on-going maintenance of open space – 50-year maintenance period)	<p><u>274054/20 (Unex Technical Services)</u> A 50 year maintenance period is totally unacceptable. The Council is trying to capture the funding twice, once from local rates and once from developers. This will place too much of a financial burden on the private housing sector. The collapse of the housing market indicates that the days of seeing residential land as a pot of gold from which more and more Section 106 contributions could be extracted are long gone. This policy would further depress the market and will delay the time before any recovery is possible.</p>	<p>See response to 274054/19. The 50 year maintenance period could be said to extend beyond the common period of time for pump priming, and 25 years is the maximum period adopted by many local authorities. Whilst the viability of a development is a key factor in negotiating S106 contributions, it would be unhelpful to set contribution rates based on the current depressed market because any future upturn would not lead to a higher level of contribution. Furthermore, the rates are based on the sums required to meet open space standards. (cont....)</p>

Paragraph No.	Representation	Response								
		<p>It is recommended that:</p> <p>(i) Maintenance contributions are sought over a period of 25 years in line with neighbouring local authorities and that consequential amendments are made to paragraphs 5.29 and 5.30.</p> <p>(ii) The associated table is amended to reflect the 25 year period, showing the average cost per person, and a new table is inserted to show the contribution towards maintenance costs by size of dwelling as follows:-</p> <table data-bbox="1357 539 1765 675"> <tr> <td>1 bedroom dwelling</td> <td>£ 455.76</td> </tr> <tr> <td>2 bedroom dwelling</td> <td>£ 645.66</td> </tr> <tr> <td>3 bedroom dwelling</td> <td>£ 911.52</td> </tr> <tr> <td>4 bedrooms or more</td> <td>£1,329.30.</td> </tr> </table>	1 bedroom dwelling	£ 455.76	2 bedroom dwelling	£ 645.66	3 bedroom dwelling	£ 911.52	4 bedrooms or more	£1,329.30.
1 bedroom dwelling	£ 455.76									
2 bedroom dwelling	£ 645.66									
3 bedroom dwelling	£ 911.52									
4 bedrooms or more	£1,329.30.									
5.30 (Step 6: Ensure the on-going maintenance of open space – financial contribution)	<p><u>261673/2 (Bermac Properties Plc)</u> It is not logical to apply the rates in Table 4 on a simple amount per dwelling basis. Clearly a 1-bed flat will generate a far lower impact on open space than a 5-bed house. Suggests a different rate should be applied for each type of property.</p>	See response to Bermac representation on 5.19 above.								
5.31 (Payment of contributions)	<p><u>60626/30 (Roy Warren, Sport England)</u> OBJECT - In this section of the SPD, consideration should be given to securing bonds from a developer where on-site open space provision is proposed as this would provide security against a scenario where an essential facility was to be provided at an advanced stage of a residential development but where the developer, for whatever reason, was unable to deliver the facility. For example, constructing a pavilion building agreed as part of a new playing field in a development. The bond sum can then be drawn upon by the Council to provide the facility if the works are not carried out as agreed by the developer. Such bonds have been used by other local planning authorities to secure the delivery of sports facility provision in major new housing developments.</p>	<p>Whilst bonds are commonly used by the County Council in connection with highway works that are required to make a development acceptable, this is to ensure that the works can be completed before the development comes into use.</p> <p>Paragraph 10.15 of the Planning Obligations Practical Guidance acknowledges that bonds are an effective tool to secure open space provision, and reference to them was considered in drafting this SPD. It was rejected because this Council does not normally require bonds to be secured in connection with open space provision, and to date this has not given rise to any problems. There may be some circumstances, particularly in the case of large new neighbourhoods where a bond could be required, and it is recommended that paragraph 5.31 be amended by adding at the end “In some circumstances the Council may require the developer to provide a bond to</p>								

Paragraph No.	Representation	safeguard the provision of open space.” Response
5.34 (Spending of contributions)	<p><u>61985/9 (Ken Squibb, Convent Lane and Broad Road Action Group)</u> Acquisition of land for open space - Private Land which is considered ideal for Open Spaces, must have the option of Compulsory Purchase.</p> <p><u>60626/31 (Roy Warren, Sport England)</u> OBJECT - Sport England is supportive of developer contributions being spent in accordance with the Braintree Green Spaces Strategy as this is the appropriate mechanism for deciding how to spend the contributions. However, in a district like Braintree where the District Council does not directly own and manage all of the community open space, it is unclear how contributions will be spent if the facilities provided with the contributions are on sites that are owned/managed by other parties such as town and parish councils who usually manage formal open space, children's play areas, allotments, etc in villages and small towns. For transparency, it is therefore recommended that the SPD clarify how contributions will be spent where off-site provision/enhancements are on land controlled by other parties e.g. parish/town councils apply to the District Council to draw down developer contributions to invest in identified and agreed open space projects. This would also apply in scenarios where facility provision is provided on school sites.</p>	<p>See above response to representations on paragraphs 1.7 and 1.9.</p> <p>Planning obligations are made between the developer/landowner and the Council and financial contributions paid to the Council, to be spent in accordance with the planning obligation. Where a town or parish council agree to take on the ownership or maintenance of an open space this would be arranged under an agreement between the Council and the town or parish council. Our legal advice is that the change suggested by Sport England is inappropriate. It is recommended that no change is made to the SPD.</p>
Appendix 2	<p><u>285088/43 (Natural England)</u> In Appendix 2: Other Advice and Guidance, we therefore recommend that the following are added to the list of guidance documents to reflect the importance of designing for biodiversity in open space provision:</p> <ul style="list-style-type: none"> • ‘Biodiversity by Design’ (available free from the Town and Country Planning Association website www.tcpa.org.uk). • ‘Integrating Biodiversity into Development: Realising the Benefits’ (available from the Essex Biodiversity Project as a CD and as pdf files on the EBP website www.essexbiodiversity.org.uk). • ‘Making contracts work for wildlife: how to encourage biodiversity in urban parks’ (available as a pdf file on the CABI website www.cabi.org.uk) • Urban Greenspace pages on the Wildlife Trusts website www.wildlifetrusts.org 	<p>The guidance documents listed in Appendix 2, and those proposed for inclusion by Natural England, are not directly referred to in the main body of the SPD. Consequently the list is considered to have no direct relevance to the operation of the Document. The SPD does not cover management of open spaces and therefore references to biodiversity and wildlife are unnecessary.</p> <p>It is recommended that Appendix 2 Other Advice and Guidance be deleted from the SPD.</p>

	<ul style="list-style-type: none"> Land Restoration Trust website www.landrestorationtrust.org.uk 	
Paragraph No.	Representation	Response
Appendix 2 (cont.)	<p><u>285088/46 (Natural England)</u> Please note that the ANGSt standards are specifically referred to in PPG 17 Open Space, Sport and Recreation (in the companion guide, 'Assessing Needs and Opportunities' which provides interpretation of the PPG itself). At the very least, we would expect to see the ANGSt methodology set out in Appendix 2: Other Advice and Guidance of the final version of the SPD as being one of the documents which the Council 'will have regard to' in determining proposals.</p> <p><u>60869/58 (Mrs Susan Fuller, Bocking South Tenants & Residents Association)</u> Naturally anti-social behaviour is an issue in any area, even parks and open spaces. "Decent Parks? Decent Behaviour?" (CABE Space, 2005) offers practical advice on the design of public spaces so as to reduce levels of anti-social behaviour. Surely this advice and guidance could be researched by Braintree District Council in an effort to reduce anti-social behaviour within public spaces?</p>	<p>ANGSt standards have not been adopted by the Council and are not directly relevant to this SPD. The Council will have the opportunity to adopt the ANGSt standards as part of the LDF and they could be adopted as a separate planning policy. Areas of deficiency can be mapped and used to influence open space provision alongside other open space standards. Appendix 2 is being recommended for deletion (see 285088/43 above). It is recommended that no changes be made to the SPD.</p> <p>Behaviour of people in parks is a matter for consideration in the design, layout and management of public open spaces. These matters are beyond the scope of this SPD.</p>
Appendix 3 Para 9.1	<p><u>285527/52 (Mrs Philippa Potter, Rayne Parish Council)</u> Rayne Parish Council would like to reinforce the information in the document which states that Rayne is deficient in 'Informal Recreation Space' and 'Outdoor Sports Provision'. The parish has a very urgent need for more amenity space to accommodate the large number of sports clubs and young people who live in the village, in particular the Rayne Youth Football Club, who have over 100 members and struggle to accommodate all their matches on one playing field, which is shared with the village cricket clubs and casual recreational users. We would welcome more land allocation for these purposes.</p>	<p>Noted. Appendix 3 is being recommended for deletion (see 285088/44 above).</p>

Paragraph No.	Representation	Response
Appendix 3 Para 9.1	<p><u>224573/36 (Mr Kitcherside, Frogmore Investments Ltd)</u></p> <p>The Joseph Gardens area in Silver End (South End) is identified in the Braintree Green Spaces Strategy (2008) as being deficient in open space. Open Space could be provided to the west of the village of Silver End on land off Temple Lane. This would help address any deficiency in open space in the overall area of the village as a whole.</p> <p><u>Additional comments by DLA Town Planning Ltd on behalf of Frogmore:</u> The Braintree Green Spaces Strategy (2008) identifies the Joseph Gardens area in Silver End (South End) as being deficient in open space. To help address this deficiency, it is proposed to offer Site B (see enclosed plan) to the Council for planning gain purposes for recreational uses and public open space. Site B comprises some 2.6 ha of fallow land and is located to the west of Temple Lane, abutting the south-western boundary of the village. The site is also enclosed on all sides by existing hedgerows. It is considered that this would provide some much needed public open space in this area, to address the deficiencies.</p>	<p>Open space deficiencies at Silver End amount to 1 or 2 children's play areas and a small amenity greenspace or park/gardens. These could be provided as new open space or by changing the use of part of one of the playing fields, of which there is surplus provision.</p> <p>The issue of whether there should be additional housing land allocated at Silver End is a matter for separate consideration; at present there is no intention to release additional land for residential development on the south-western boundary of the village.</p>

COMMENTS ON DRAFT SUSTAINABILITY APPRAISAL

Paragraph No.	Representation	Response
Q1 (General comments)	<u>61997/1 (Witham Town Council)</u> Supports the Sustainability Appraisal	Noted.
3.4 (Policy Context)	<u>60869/2 (Mrs Susan Fuller, Bocking South Tenants & Residents Association)</u> That open space deficiencies within the six geographical sub-areas of the District will be addressed according to the Braintree Green Spaces Strategy 2008.	This SPD cannot alter an existing Local Plan Review policy. Consequently the open space standards adopted in the Green Spaces Strategy will need to be incorporated into the Development Control Policies DPD to become planning policy.

Braintree District Council

Braintree District Local Plan Review

Supplementary Planning Document

Open Space

DRAFT SUPPLEMENTARY PLANNING DOCUMENT

Open space

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APPENDIX ONE

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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.
- (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.???). 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>	0.2 – 0.3
<i>Casual or informal space within housing areas</i>	0.4 – 0.5
<i>Allotments</i>	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.

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)
<u>Outdoor Sport</u>	Financial contribution	Financial contribution	<u>Financial contribution (for developments up to 300 dwellings)</u> <u>On site (in developments of 300 dwellings or more)</u>
Informal Open Space (incl. Parks)	Financial contribution	<u>Either financial contribution and/or</u> <u>On site</u>	On site
<u>Casual Open Space</u>	Financial contribution	On site	On site
<u>Outdoor Equipped Playgrounds</u>	Financial contribution (where provision is available locally) On site (where there is a current deficiency or the nearest play space is not easily accessible)	On site	On site

- 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.

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 towards Provision by Size of Dwelling

	<u>1 bedroom</u>	<u>2 bedrooms</u>	<u>3 bedrooms</u>	<u>4+ bedrooms</u>
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

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

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

Open Space issues are addressed in the Braintree District Local Plan Review 2005 through a number of policies, summaries of which are given below:

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 AVERAGE OPEN SPACE AND FACILITY 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 BDLPR standards of provision.
- the cost per person of providing, enhancing or maintaining open space.

- the size of dwellings proposed measured in number of bedrooms.

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.

Type of Open Space	Hectares per thousand people
Outdoor Sport	1.70
<u>Outdoor Equipped Playgrounds</u>	0.25
Casual or informal space within housing areas	0.45
Allotments	0.23

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.

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.

Type of Open Space	Maximum Distance to nearest open space
Outdoor Sport	6 km
<u>Equipped Playgrounds:</u> 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:

Average cost per person of open space provision

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	<u>£ 284.75</u>
<u>Equipped Playgrounds</u>	£112.50	2.5	<u>£ 281.25</u>
Casual or Informal Space	£ 17.31	4.5	<u>£ 77.90</u>
Allotments	£ 4.62	2.3	<u>£ 10.63</u>
Cost per person			£ 654.53

Financial Contribution by Size of Dwelling

These figures are used to determine the financial contribution required for each type of space according to the numbers of bedrooms in a dwelling. For this purpose the following assumptions are made:

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

These assumptions 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.

Financial Contributions from Residential Development 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

Ave 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:

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

Financial Contributions from Residential Development 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

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

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 Framework (LDF)

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.

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.

Planning Obligation

Obligations (either agreements or unilateral undertakings) 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 (SPD)

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 Undertakings

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