

**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 the Document for development control. The Draft SPD is based on the Braintree Green Spaces Strategy which was adopted by the Council on 4<sup>th</sup> 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 27<sup>th</sup> February and 10<sup>th</sup> 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. Comments on the SPD were received from 18 organisations and individuals, and 2 representations were made on the draft Sustainability Appraisal. These are summarised in Appendix 1 to this report, together with comments and recommended responses. 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. The SPD forms part of the development framework, but does not have development plan status. It is not subject to independent examination and can be adopted by a resolution of this Panel (or the Council) 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 4<sup>th</sup> 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 27<sup>th</sup> February and 10<sup>th</sup> 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. 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 Council's 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 SPD forms part of the development framework, although it does not have development plan status. 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.

## 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>

	disturbance of special interest features of sites which contribute (cont.)	impacts on more sensitive habitats outside the (cont.)
--	--	--

Paragraph No.	Representation	Response
Q1 (General comments) (cont.)	<p>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 <b>Section 2 Planning Policy Context.</b></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>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.
1.7 (What is Meant by Open Space)	<p><u>61985/3 (Mr Ken Squibb, Convent Lane &amp; Broad Road Action Group)</u> BDC should continue with its objective to create a community woodland. 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. 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</p>

		was negative.
--	--	---------------

Paragraph No.	Representation	Response
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. 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. The site lies within the Landscape Setting Area B15 in the Settlement Fringe Landscape Capacity Analysis For Braintree and Environs (Nov 2007)</p> <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 <b>all</b> 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>(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> <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. <b>It is recommended that objective 3 be deleted.</b></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</p>	<p>See above responses to representations on paragraphs 1.7 and 1.9.</p>



	to be of value and enhancement of the open spaces policy.	
--	---	--

Paragraph No.	Representation	Response
2. (National Guidance)	<p><u>285088/45 (Natural England)</u></p> <p>We would again remind Braintree District Council of Natural England's <b>Accessible Natural Greenspace Standards (ANGSt)</b>, 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"> <li>• At least one accessible 20 ha site within 2 km</li> <li>• At least one accessible 100 ha site within 5 km</li> <li>• At least one accessible 500 ha site within 10 km</li> </ul> <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 <b>Braintree Green Infrastructure Strategy</b>, 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. <b>It is recommended that adoption of the ANGSt standards be considered in the forthcoming Development Control Policies DPD.</b></p>
2.3 (National Guidance)	<p><u>60869/56 (Mrs Susan Fuller, Bocking South Tenants &amp; Residents Association)</u></p> <p>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></p> <p>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></p> <p>The Draft SPD is in general conformity with the adopted East of</p>	<p>This confirmation is welcomed.</p>

	England Plan.	
--	---------------	--

Paragraph No.	Representation	Response
2.6 (Regional Guidance) (cont.)	<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>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>
2.8 (Local Plan Policy)	<p><u>274054/10 (Unex Technical Services)</u> 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. <b>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</b></p>

		<b>in 2006 and published in the Braintree Green (cont.)</b>
--	--	---

Paragraph No.	Representation	Response
		<p><b>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.”</b></p>
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 (<b>Section 3</b> 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 open space deficiencies listed in Appendix 3 are based on findings from the BGSS and PPG17 Open Space Audit and are evidenced in more detail by the BGSS/ PPG17 Audit results which can be used to assist negotiations.</p>

Paragraph No.	Representation	Response
3.2 (The Need for Open Space)	<p><u>61985/7 (Ken Squibb, Convent Lane and Broad Road Action Group)</u> 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> 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><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>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. <b>It is recommended that paragraph 4.2 be amended by inserting “on site provision and/or” between “be” and “financial” in the first sentence.</b></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 <b>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.”</b></p>
4.3 (Approach to Open Space Delivery)	<p><u>60869/57 (Mrs Susan Fuller, Bocking South Tenants &amp; 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>

--	--	--



Paragraph No.	Representation	Response
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>
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 <b>it is recommended that the final sentence in paragraph 5.2 be amended by substituting “bedrooms” for “habitable rooms”.</b></p>

Paragraph No.	Representation	Response
5.3 (Step 1 – Determine whether open space provision is required – commercial development)	<p>60626/25 (Roy Warren, Sport England)</p> <p>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). Furthermore, paragraph 23 of PPG17 (Planning for Open Space, Sport and Recreation - 2002) advises local authorities to ensure that provision is made for local sport and recreation facilities where planning permission is granted for new developments (especially housing). Whilst guidance in PPG17 indicates that such provision should especially be made in relation to housing developments, it is not exclusive to such developments. 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 <a href="http://www.sportengland.org/index/get_resources/planning_for_sport_front_page/kitbag_front_page/kitbag_examples-2/kitbag_examples_employment.htm">www.sportengland.org/index/get_resources/planning_for_sport_front_page/kitbag_front_page/kitbag_examples-2/kitbag_examples_employment.htm</a></p>	Support is welcomed
5.5 (Step 2 - Determine the appropriate type of provision)	<p>60626/26 (Roy Warren, Sport England)</p> <p>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>	Support is welcomed.

Paragraph No.	Representation	Response
5.5 (Step 2 - Determine the appropriate type of provision) (cont.)	<p><u>285088/42 (Natural England)</u></p> <p>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 <b>Section 5 Delivery of Open Space</b>, particularly in <b>Step 2</b> and Step 6.</p> <p>With this in mind, we would make the following points:</p> <p>i) That <b>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</b>, 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>ii) That the value of an open space for wildlife depends not only on careful initial design but also on <b>appropriate management</b>. 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 regime). This has obvious positive implications for long-term maintenance arrangements with developers secured under S106 agreements.</p> <p>iii) That <b>any multi-functional open space can have significant value for wildlife</b>, 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>The categories of open space used in the SPD have to reflect those which are enshrined in the Review Local Plan policies. That said, there is a case for encouraging wildlife and biodiversity in all open spaces, but particularly in amenity spaces. Although the SPD is not intended to give advice on the management of open spaces, there is scope for the Document to encourage a management approach which will be beneficial for wildlife.</p> <p><b>It is recommended that a new paragraph be inserted after paragraph 5.6 in Step 2 to read:-</b>  <b>“Special regard will be had to the management of open spaces to benefit wildlife where:</b>  <b>(a) the proposed open space adjoins a SSSI, Local Nature Reserve or Local Wildlife Site;</b>  <b>(b) the proposed space is an amenity open space of over 1 hectare; or</b>  <b>(c) the proposed space is a park or garden or playing fields, in which a wildlife zone should be created.</b></p> <p><b>As a general rule native plant species, and other plants that provide good sources of nectar, pollen and fruit, are more beneficial to biodiversity and should be used in the planting of open spaces for wildlife.”</b></p> <p><b>Consequential renumbering of paragraphs will follow.</b></p>

Paragraph No.	Representation	Response
5.5 (Step 2 - Determine the appropriate type of provision) (cont.)	<p>iv) That, as a general rule, using <b>native plant species</b> is more beneficial to biodiversity than using exotic species, and plants that provide <b>good sources of nectar, pollen and fruit</b> 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. <b>It is recommended that the reference to public art in the last sentence of Paragraph 5.5 Amenity Spaces should be deleted.</b></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. <b>For clarification it is recommended that paragraph 5.6 is reworded to read “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 will not be accepted as part of the open space provision. Areas around preserved trees and structural landscaping in and around development sites will also not be accepted.”</b></p>
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. <b>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</b></p>



Paragraph No.	Representation	Response
		<p>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>274054/15 (Unex Technical Services) 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. <b>It is recommended that paragraph 5.11 be amended as follows:</b></p> <ul style="list-style-type: none"> <li>(i) <b>In the first sentence delete “The standards for allotments is justified by the BDLPR” and insert “One of the BDLPR objectives is”;</b></li> <li>(ii) <b>In the third sentence insert “as the standard” between “used” and “to”;</b></li> <li>(iii) <b>Delete the final sentence and insert “In areas of deficiency allotment provision should be made in accordance with the standard.”; and</b></li> <li>(iv) <b>Insert paragraph 5.11 between paragraphs 5.7 and 5.8 and renumber paragraphs accordingly.</b></li> </ul>

Paragraph No.	Representation	Response
5.16 (Should provision be on or off site?)	<p data-bbox="488 204 1355 368"><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 data-bbox="488 544 1355 1439"><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 facilities, in most cases it is considered preferable to seek a financial contribution towards an off-site strategic project than require a potentially large number of residential developments to all 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</p>	<p data-bbox="1373 204 2054 331">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.</p> <p data-bbox="1373 339 2054 536"><b>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”.</b></p> <p data-bbox="1373 576 2054 1177">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. <b>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). OR alternatively should read “On site provision or, where local circumstances indicate that it is more appropriate based on the criteria given in paragraph 5.18, a financial contribution.</b></p>

	section 5.18 of the SPD.	
--	--------------------------	--



Paragraph No.	Representation	Response														
5.18 (On or off site provision?)	<p><u>60626/28 (Roy Warren, Sport England)</u></p> <p>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>It is agreed that the provision of single pitches may not be financially viable in view of the ancillary facilities that are required and the higher maintenance costs. This is the reason for bullet point 4 in paragraph 5.18 which refers to the extension of nearby pitches.</p> <p><b>It is recommended that paragraph 5.18 be amended by inserting a new second bullet point to read “Whether a playing pitch is responsive to local needs and whether it will be financially viable to manage in the long term.”</b></p>														
5.19 (Step 5: Calculate financial contributions for off-site provision – residential development)	<p><u>261673/1 (Bermac Properties Plc)</u></p> <p>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 in number of bedrooms, and the following occupancy rates assumptions equate to the average occupancy rate for the District:</p> <table data-bbox="1377 1050 1765 1182"> <tr> <td>1 bedroom</td> <td>1 person</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> <p><b>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 :-</b></p> <table data-bbox="1377 1353 1778 1452"> <tr> <td><b>1 bedroom dwelling</b></td> <td><b>£785.45</b></td> </tr> <tr> <td><b>2 bedroom dwelling</b></td> <td><b>£1,112.71</b></td> </tr> <tr> <td><b>3 bedroom dwelling</b></td> <td><b>£1,570.87</b></td> </tr> </table>	1 bedroom	1 person	2 bedrooms	1.7 persons	3 bedrooms	2.4 persons	4/4+ bedrooms	3.5 persons	<b>1 bedroom dwelling</b>	<b>£785.45</b>	<b>2 bedroom dwelling</b>	<b>£1,112.71</b>	<b>3 bedroom dwelling</b>	<b>£1,570.87</b>
1 bedroom	1 person															
2 bedrooms	1.7 persons															
3 bedrooms	2.4 persons															
4/4+ bedrooms	3.5 persons															
<b>1 bedroom dwelling</b>	<b>£785.45</b>															
<b>2 bedroom dwelling</b>	<b>£1,112.71</b>															
<b>3 bedroom dwelling</b>	<b>£1,570.87</b>															

		<b>4 bedrooms or more £2,290.85.</b>
--	--	--------------------------------------

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><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>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 the Colchester SPD. It is accepted that there is a need for greater transparency in the SPD over the costs of open space provision and maintenance. <b>It is recommended that an additional appendix be added to the SPD which will clearly indicate how the figures in the Draft Document have been derived.</b></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</p>

		opportunities which generally cannot be relied upon.
--	--	--

Paragraph No.	Representation	Response
<p>5.20 (Step 5: Calculate financial contributions for off-site provision – office development)</p>	<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><u>188131/55 (Miss Kelly Phillips, Indigo Planning (for Sainsbury))</u>  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:  - relevant to planning;</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>It is accepted that contributions towards amenity open space should be local to the place of employment. <b>It is recommended that paragraph 5.24 be amended by inserting at the end “If provision is made off-site then this needs to be within walking distance of the development.”</b></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. <b>It is recommended that references to retail development in paragraph 5.20 and references to retail and hotels in the table under paragraph 5.22 headed “Employment Densities” should be deleted.</b></p>

Paragraph No.	Representation	Response
	<p>- necessary to make the proposed development acceptable in planning terms;</p> <p>- directly related to the proposed development;</p> <p>- fairly and reasonably related in scale and kind to the proposed development; and</p> <p>- reasonable in all other respects.</p> <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 (&amp; potentially other commercial development) be removed from the SPD.</p>	
<p>5.26 (Step 6: Ensure the on-going maintenance of open space)</p>	<p><u>274054/19 (Unex Technical Services)</u></p> <p>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></p> <p>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. Paragraph B18 of Circular 05/2005 states that provision for maintenance is appropriate and may be required in perpetuity. Paragraph B19 states that where an asset is intended for wider public use, the costs of subsequent maintenance and other recurrent expenditure associated with the developer’s contributions should normally be borne by the authority or body in which the asset is to be vested. 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 <u>funding streams</u>. These pump priming maintenance payments should be time-limited and not required in perpetuity by planning obligations. (see response to 274054/20 below)</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</p>

		the RLP and Draft SPD and <b>it is recommended that no change be made to the Draft SPD.</b>
<b>Paragraph No.</b>	<b>Representation</b>	<b>Response</b>
5.29 (Step 6: Ensure the on-going maintenance of open space – 50-year maintenance period)	274054/20 (Unex Technical Services) 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.	See response to 274054/19. Commuted payments are capital sums which fund maintenance costs over a period of time. Paragraph B19 of Circular 05/2005 states that “where an asset is intended for wider public use, the costs of subsequent maintenance and other recurrent expenditure associated with the developer’s contributions should normally be borne by the authority or body in which the asset is to be vested”. It is for this reason the SPD advocates the use of management companies or trusts to own and manage open spaces and so reduce pressure on the public purse. 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 most other local authorities. <b>It is recommended that the SPD is amended to reflect a 25 year maintenance period as the basis for commuted payments and that paragraph 5.30 and the following table are amended to require the following contribution towards maintenance costs:-</b> <b>1 bedroom dwelling £ 455.76</b> <b>2 bedroom dwelling £ 645.66</b> <b>3 bedroom dwelling £ 911.52</b> <b>4 bedrooms or more £1,329.30.</b>
5.30 (Step 6: Ensure the on-going maintenance of open space – financial contribution)	261673/2 (Bermac Properties Plc) 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.	See response to Bermac representation on 5.19 above.

Paragraph No.	Representation	Response
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.            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 <b>it is recommended paragraph 5.31 be amended by adding at the end “In some circumstances the Council may require the developer to provide a bond to safeguard the provision of open space.”</b></p>
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.  <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</p>	<p>See above response to representations on paragraphs 1.7 and 1.9.</p> <p>It is agreed that there should be greater clarity. <b>It is recommended that the following paragraph be added after paragraph 5.34:</b></p> <p><b>Where the open space is to be provided or maintained by another body, such as a town or parish council, the financial contribution will be paid to the District Council in the first instance and placed in an interest-bearing account to be drawn down by the other body upon the completion of development.</b></p>



	provided on school sites.	
<b>Paragraph No.</b>	<b>Representation</b>	<b>Response</b>
Appendix 2	<p><u>285088/43 (Natural England)</u>  <b>In Appendix 2: Other Advice and Guidance</b>, 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"> <li>• ‘Biodiversity by Design’ (available free from the Town and Country Planning Association website <a href="http://www.tcpa.org.uk">www.tcpa.org.uk</a>).</li> <li>• ‘Integrating Biodiversity into Development: Realising the Benefits’ (available from the Essex Biodiversity Project as a CD and as pdf files on the EBP website <a href="http://www.essexbiodiversity.org.uk">www.essexbiodiversity.org.uk</a>).</li> <li>• ‘Making contracts work for wildlife: how to encourage biodiversity in urban parks’ (available as a pdf file on the CABI website <a href="http://www.cabi.org.uk">www.cabi.org.uk</a>)</li> <li>• Urban Greenspace pages on the Wildlife Trusts website <a href="http://www.wildlifetrusts.org">www.wildlifetrusts.org</a></li> <li>• Land Restoration Trust website <a href="http://www.landrestorationtrust.org.uk">www.landrestorationtrust.org.uk</a></li> </ul>	<p>There is no objection to this in principle, but since Appendix 2 refers to published documents only the first and third items should be considered for inclusion. The third item is only available on the members-only section of the website, and the fourth and fifth items are general references to websites. <b>It is recommended that only the first and third items listed should be added.</b></p>
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 <b>Appendix 2: Other Advice and Guidance</b> 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 &amp; Residents Association)</u>  Naturally anti-social behaviour is an issue in any area, even parks and open spaces. "Decent Parks? Decent Behaviour?" (CABI 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-</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. <b>It is recommended that no changes be made to the SPD.</b></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>

	social behaviour within public spaces?	
--	--	--

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>
Appendix 3 Para 9.1 (cont.)	<p><u>285527/52 (Mrs Philippa Potter, Rayne Parish Council)</u></p> <p>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>	Noted.

**COMMENTS ON DRAFT SUSTAINABILITY APPRAISAL**

<b>Paragraph No.</b>	<b>Representation</b>	<b>Response</b>
Q1 (General comments)	61997/1 ( <u>Witham Town Council</u> ) Supports the Sustainability Appraisal	Noted.
3.4 (Policy Context)	60869/2 ( <u>Mrs Susan Fuller, Bocking South Tenants &amp; 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.

## **APPENDIX FOUR: 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.

### **Residential Development**

The amount of financial contribution is based on:

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

Unless otherwise stated below, the average cost of provision and maintenance of different types of open spaces and sports facilities are based on those used by the neighbouring local authority, Colchester Borough Council. These figures are considered to be representative of the costs experienced in Braintree District. The Colchester 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.

#### Children's Playing Space

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 Colchester figures.

#### 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.

Detailed works may includes soft and hard landscaped areas, woodland, tree and shrub planting, shelter belts, lakes and ponds, wildlife and countryside areas.

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 Colchester 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**

### **Financial Contributions from Residential Development**

#### **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.

Outdoor sport and recreation	1.70 hectares per thousand people
Outdoor equipped playgrounds	0.25 hectares per thousand people
Casual or informal space within housing areas	0.45 hectares per thousand people
Allotments	0.23 hectares 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 there is existing open spaces meet standards a development may still be required to contribute towards open space types which fail to meet the accessibility standards.

Outdoor sport and recreation	6 km max. distance to nearest open space
Outdoor equipped playgrounds:	
Toddler/junior	400m max. distance to nearest open space
Teenage	800m max. distance to nearest open space
Casual or informal space within housing areas	800m max. distance to nearest open space.
Allotments	Not set

#### **Ave Cost of Provision –**

The contribution per person to be sought from development through S106 agreements 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:

Outdoor sport & recreation	£ 16.75 psm x 17.0 sq m pp = £284.75 pp
Outdoor equipped playgrounds	£112.50 psm x 2.5 sq m pp = £281.25 pp
Casual or informal open space	£ 17.31 psm x 4.5 sq m pp = £ 77.90 pp
Allotments	£ 4.62 psm x 2.3 sq m pp = £ 10.63 pp
Total	£654.53 pp

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:

<b><u>No. of bedrooms</u></b>	<b><u>Average Occupancy</u></b>
1	1.2 persons
2	1.7 persons
3	2.4 persons
4 or more	3.5 persons

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.

### Average Cost of Maintenance

Because of increasing financial pressure on local government services the Council wishes to encourage the maintenance of any new open spaces by a management company or trust. Where an open space is to be handed over to a town or parish council or, exceptionally, the District Council, a commuted sum will be required to ensure its maintenance over a period of 25 years. The average annual contribution per person is calculated in a similar way to provision costs to give the following figures:

Outdoor sport & recreation	£ 13.55 psm x 17.0 sq m pp = £230.35 pp pa
Outdoor equipped playgrounds	£ 50.50 psm x 2.5 sq m pp = £126.25 pp pa
Casual or informal open space	£ 4.86 psm x 4.5 sq m pp = £ 21.87 pp pa
Allotments	£ 0.58 psm x 2.3 sq m pp = £ 1.33 pp pa
Total	£379.80 pp pa

### **Financial Contributions from Commercial Development**

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

- Type of use
- Minimum size threshold for the type of use
- 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.

<u>Thresholds</u> -	B1 offices	1,000 sq m
	B2 industrial/B8 warehousing	1,000 sq m

<u>Employment Densities</u> -	B1(a) offices	19 sq m per employee
	B1(b) r & d / high tech	29 sq m per employee
	B1(c)/B2 industrial	34 sq m per employee
	B8 warehousing	50 sq m per employee

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.

There have been more recent studies focusing on office floor space. *Office of Government Commerce (2007)* suggests a 14 sq m per person average and a standard of 12 sq m per person as the baseline towards which Government should be working. Subsequent reports suggest that call centre densities are now as low as 6 sq m per person, whilst 10 sq m per person was recently used by Great Portland Estate in a 2006 Environment Statement. For the purposes of this SPD the Council will adhere to the findings of the 2001 English Partnerships' report, pending further research in connection with the LDF documents.

## Corporate Implications

<b>Financial:</b>	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.			
<b>Legal:</b>	Legal Services have been consulted on the Draft SPD.			
<b>Equalities &amp; Diversity:</b>	Taken into account in the preparation of the SPD and the community involvement. No equality impact assessment has been undertaken.			
<b>Customer Impact:</b>	Residents will benefit from increased S106 contributions towards accessible open space.			
<b>Environment &amp; Climate Change:</b>	Neutral impact.			
<b>Consultation/Community Engagement:</b>	Local Committees	No	Partners	Yes
	Public	Yes	Staff	Yes
<b>Key Decision:</b>	Yes			
<b>Public/Private Report:</b>	Public			
<b>Officer Contact:</b>	Stuart Kay			
<b>Designation:</b>	Planning Consultant, Planning Policy			
<b>Ext No:</b>	2170			
<b>Email:</b>	stuart.kay@braintree.gov.uk			