

Braintree District Council
Local Development Framework

Supplementary Planning Document
Open Space



Adopted November 2009

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Introduction

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 (RLP 163).

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 County 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 Management 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 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 RLP 138 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.

Planning Policy Context

2 Planning Policy Context

National Guidance

2.1 The Government recognises that open space and opportunities for sport and recreation are fundamental in delivering its wider objectives for urban renaissance, social inclusion, healthy living and sustainable development. *Planning Policy Guidance 17 (PPG17)* and its *Companion Guide* stress the need for local authorities to undertake robust local assessments of the existing and future needs of their communities for open space to underpin their development plans and community strategies. They emphasise the importance of setting *local* standards of provision based on quantitative and qualitative considerations. Planning obligations are identified as an appropriate means of remedying local deficiencies in the quantity or quality of recreational facilities. Planning Policy Guidance 17 states in Paragraph 33:

"Planning obligations should be used as a means to remedy local deficiencies in the quantity or quality of open space, sports and recreational provision. Local authorities will be justified in seeking planning obligations where the quantity or quality of provision is inadequate or under threat, or where new development increases local needs."

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

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

2.3 The Open Space SPD meets these tests because:

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

2.4 The Circular provides for contributions in kind or in the form of financial contribution and encourages the use of formulae and standard charges as a means of streamlining the planning process and making it more predictable and transparent. The use of maintenance payments and pooled contributions is 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 given 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.

The Evidence Base

3 The Evidence Base

Sources

- 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.

The Approach to Open Space Delivery

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.

Delivery of 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 financial contributions for off-site provision

Step 6 – Ensure the on-going maintenance of new and improved open space

Step 1: Determine Whether Open Space Provision is Required

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

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

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

When is Open Space Provision Not Required?

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

- One for one replacement dwellings

- Extensions
- Self-contained annexes and conversion of outbuildings in the countryside which under Policy RLP 18 will be subject to a planning obligation 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 junior 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 open 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 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.

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 RPL 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 <i>Comprising:</i> <i>Outdoor Equipped Playgrounds</i> <i>Casual or informal space within housing areas</i>	0.6 - 0.8 0.2 - 0.3 0.4 - 0.5
Allotments	0.23
Total	2.63

Residential Development

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

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

- 16 - 18 sq m for outdoor sport (youth and adult)
- 6 - 8 sq m for children's playing space comprising:
 - 2 - 3 sq m for 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 Comprising: Outdoor Equipped Playgrounds	400m - 800m Toddler/junior:400m Teenage: 800m
Casual/informal space within housing areas	400m - 800m
Allotments	No standard set

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

Should Provision Be On or Off Site?

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

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

Table 3 Scale of Development and Form of Contribution

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

Step 5: Calculate Financial Contributions for Off-Site Provision

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

Table 4 Financial Contributions from Residential Development by Size of Dwelling

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

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

5.14 The long term maintenance of open spaces is becoming a financial burden to local authorities. Commuted payments for the maintenance of open spaces is time limited, and consequently the costs of maintaining publicly owned open spaces are expected to escalate in the future. As a general rule there will be no requirement to transfer the legal title of open spaces on a development to the Council.

Developers will need to put in place appropriate management arrangements, including the creation of management companies and, where appropriate following negotiation, adoption by parish or town councils, or a recognised and established trust.

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

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

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

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

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

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

Commercial Development

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

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

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

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

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

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

£126.92 = the contribution per employee

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

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

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

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

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

The area of informal open space = 1.53 sq m x A / B. Where

1.53 = the informal open space requirement of 4.5 sq m per employee, reduced to 34% to reflect the level of in-commuting

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

B = Average employment space per employee for B1(a) 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 payment 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 the 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.

Monitoring

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 1: Braintree District Local Plan Review Open Space Policies

Appendix 1: Braintree District Local Plan Review Open Space Policies

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

RLP 4 (*Prevention of Town Cramming*)

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

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

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

RLP 136 (*Formal Recreation Policy*)

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

RLP 137 (*Open Space Standards*)

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

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

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 2: Derivation of costs and method of calculating financial contributions

Appendix 2: Derivation of costs and method of calculating financial contributions

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 the 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:

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

Occupancy Rates

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

Table 1 Dwelling Occupancy Rates by Number of Bedrooms

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

Open Space Standards

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

Table 2 Braintree District Local Plan Review Open Space Standards

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

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

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

Table 3 Open Space Requirements by Size of Dwelling

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

Accessibility Standards

Accessibility standards will be taken into account in assessing open space deficiencies. Whilst open space standards indicate at a broader level those settlements, wards or parishes that have deficiencies of open space, it does not take into account the location of existing open spaces relative to proposed development. All development will have to contribute to making open space accessible to people, so even if existing open spaces meet standards a development may still be required to contribute towards open space types which fail to meet the accessibility standards or towards raising the quality of existing open spaces.

Table 4 Accessibility Standards (Braintree Green Spaces Strategy)

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

Average cost of provision per person

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

Table 5 Average Cost of Provision Per Person

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

Financial Contribution by Size of Dwelling

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

Table 6 Financial Contributions towards Provision by Size of Dwelling

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

Average Cost of Maintenance

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

a commuted sum will be required to ensure its maintenance over a period of 25 years. The annual average contribution per person is calculated in a similar way to provision costs to give the following figures:

Table 7 Average cost per person of Maintenance for 25 years

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

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

Table 8

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

Worked Example

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

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

On site requirement for Casual or Informal Open Space

1B: 6 x 5.4 = 32.4 sq m

2B: 10 x 7.6 = 76.0 sq m

3B: 4 x 10.8 = 43.2 sq m

Total 151.6 sq m

Financial Contribution towards off site provision or improvements

Play space

1B: 6 x £337.50 = £2,025.00

2B: 10 x £478.13 = £4,781.30

3B: 4 x £675.00 = £2,700.00

Total (Play Space) £9,506.30

Formal OS

1B: 6 x £341.70 = £2,050.20

2B: 10 x £484.08 = £4,840.80

3B: 4 x £683.40 = £2,733.60

Total (Formal OS) £9,624.60

Allotments

1B: 6 x £12.70 = £76.20

2B: 10 x £17.99 = £179.90

3B: 4 x £25.39 = £101.56

Total (Allotments) £357.66

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

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

Financial Contribution for Maintenance for a 25-year Period

Play space

1B: 6 x £151.50 = £909.00

2B: 10 x £214.62 = £2,146.20

3B: 4 x £303.00 = £1,212.00

Total (Play space) £4,267.20

Formal OS

1B: 6 x £276.42 = £1,658.52

2B: 10 x £391.43 = £3,914.30

3B: 4 x £552.84 = £2,211.36

Total (Formal OS) £7,784.18

Allotments

1B: 6 x £1.60 = £9.60

2B: 10 x £2.26 = £22.60

3B: 4 x £3.19 = £12.76

Total (Allotments) £44.96

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

Commercial Development

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

- Type of use
- Minimum size threshold of 1,000 sq m
- Net increase in commercial floor space

- Assumed number of employees based on average employment densities
- Cost per employee of providing, enhancing or maintaining open space.

Employment Densities

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

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

Cost per Employee

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

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

Calculation of Contribution

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

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 Document

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

Local Development Framework (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.

Planning Obligation

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

Standard Charges

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

Supplementary Planning Document (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 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

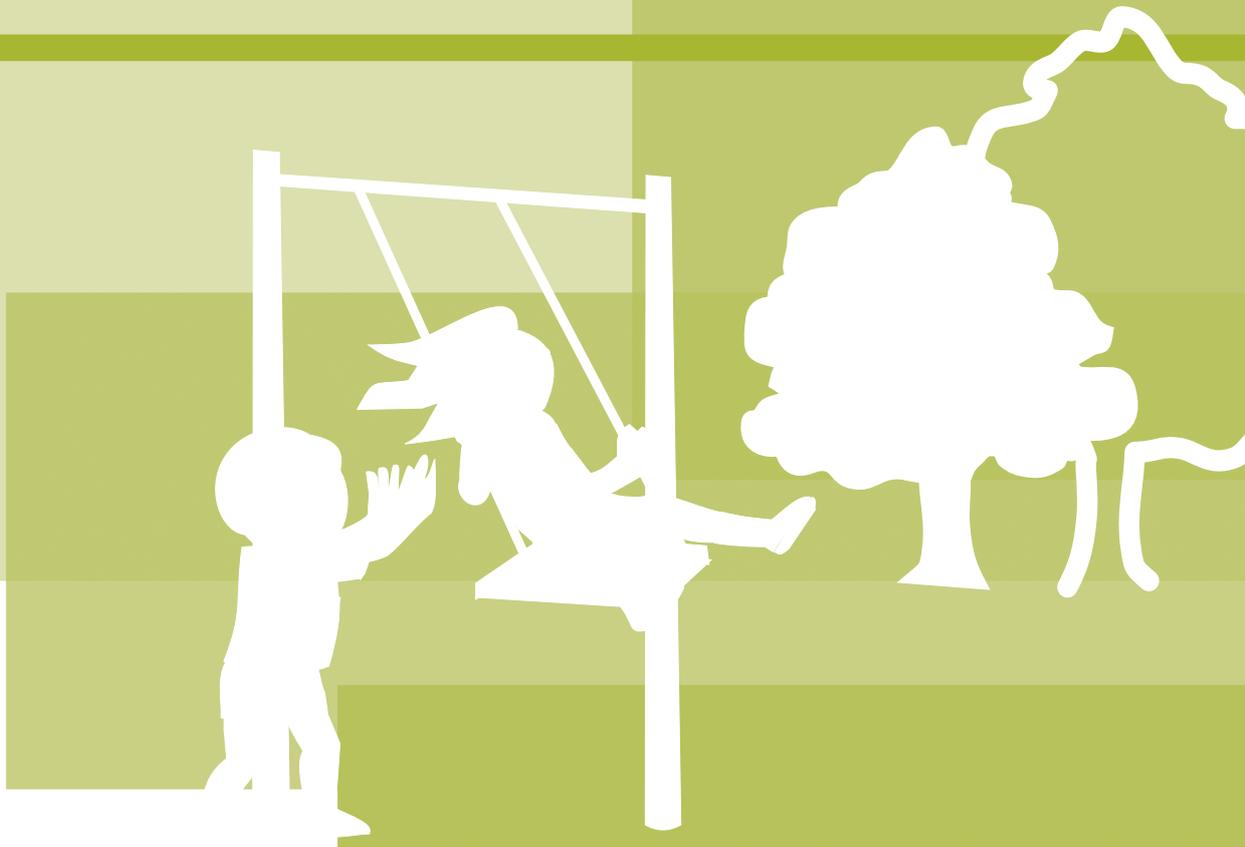
BDLPR	Braintree District Local Plan Review (2005)
BGSS	Braintree Green Spaces Strategy (2008)
CABE	Commission for Architecture and the Built Environment
CIL	Community Infrastructure Levy
DPD	Development Plan Document
LDF	Local Development Framework
NPFA	National Playing Fields Association
PPG17	Planning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

Braintree District Council
Local Development Framework

Supplementary Planning Document

Open Space

Sustainability Appraisal



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Introduction

1 Introduction

1.1 The Draft Open Space Supplementary Planning Document (SPD) expands upon the policies relating to affordable housing in the Braintree District Local Plan Review (LPR), adopted in July 2005. In particular it supplements policy RLP 138 *Provision of Open Space in New Housing* and RLP 163 *Infrastructure and Community Facilities*.

1.2 The scope of the SPD is limited to ensuring that all new developments will contribute to appropriate levels of provision and facilities to meet the needs of new residents. It will assist developers by informing them about what contributions are required, either in the form of provision on site or financial contributions to provision or improvements off site, the process for making those contributions and ensuring that new provision and facilities are properly maintained. It also provides clear information to parish and town councils and other interested parties.

1.3 This Sustainability Appraisal (SA) accompanies the SPD and Drafts of both documents were published for consultation in tandem between 27 February & 10 April 2009. No changes to the SA followed from this consultation. The SA is required under Regulation 39 of the Planning and Compulsory Purchase Act 2004. The approach to the sustainability appraisal in this report reflects the Government's sustainability agenda and guidelines for undertaking sustainability appraisals. In *A Better Quality of Life – A Strategy for Sustainable Development in the UK – CM 4345 (May 1999)* the Government sets out four aims for sustainable development:

- social progress which recognises the needs of everyone;
- effective protection of the environment;
- the prudent use of natural resources; and
- the maintenance of high and stable levels of economic growth and employment.

These were set out on PPS1: Delivering Sustainable Development.

1.4 The Council has prepared a screening document which demonstrated that a Strategic Environmental Assessment (SEA) was not required for this SPD (see paragraph 5.3).

Appraisal Methodology

2 Appraisal Methodology

Approach Adopted for the Sustainability Appraisal

2.1 The approach taken in this Sustainability Appraisal for the Open Space SPD recognises that sustainable development is not limited to environmental concerns but recognises that economic and social issues also need to be taken into account. The Sustainability Appraisal of the Braintree District Local Plan Review (LPR) Adopted July 2005 was based on a list of 28 objectives used in the Braintree Quality of Life Plan. These objectives represented a range of sustainability criteria affecting people's everyday lives as well as longer-term social, economic and environmental questions and against which the implications for sustainability of the Plan could be assessed. These were grouped under the following 13 headings:

- Housing
- Jobs, skills and the local economy
- Transport
- Built environment and landscape
- Energy, water and pollution
- Waste
- Nature conservation
- Health
- Community Safety
- Leisure and recreation
- Arts and heritage
- Equalities and welfare
- Promoting democracy.

2.2 This sustainability appraisal used the same set of criteria to enable a direct comparison to be made between two options:

Option 1 – Adopting an SPD to add value to the LPR Policies by enabling the Council to negotiate with more consistency and effectiveness the type and quantity of provision of open space which will meet the needs of future residents and help to address local deficiencies within Braintree District.

Option 2 – A 'do nothing' scenario in which the existing LPR Policies RLP 137 and RLP 138 on open space provision provide the sole basis for securing additional open space in the District.

It has been prepared in tandem with the SPD and consultation on both documents was undertaken simultaneously.

2.3 The SA process incorporated the requirements of the EU *Strategic Environmental Assessment Directive*, which requires certain types of UK plans and programmes to undergo a formal environmental assessment.

Background

3 Background

Purpose of the Sustainability Appraisal

3.1 Under the Planning and Compulsory Purchase Act 2004 (as amended) a sustainability appraisal must be undertaken for each SPD (PPS12 paragraphs 3.14-3.18). The purpose of the sustainability appraisal is to promote sustainable development through better integration of sustainability considerations into their preparation. The appraisal looks at the guidance contained in the SPD and examines how it contributes to the aim of sustainable development. Identifying issues at an early stage enables the guidance to be changed and amended to ensure that it is as sustainable as possible.

3.2 The approach to sustainable development addresses social, economic and environmental concerns and covers a wide range of issues from local to global effects of development. This appraisal assesses the effect of the Open Space Supplementary Planning Document on sustainability by assessing whether there are any impacts additional to those which may have been identified under the LPR policies.

Policy Context

3.3 The Braintree District Local Plan Review, adopted in July 2005, provides general guidance on open space provision through Policies RLP 137 *Open Space Standards*, RLP 138 *Provision of Open Space in New Housing*, RLP 141 *Informal Countryside Recreation Areas* and RLP 163 *Infrastructure and Community Facilities*. The Secretary of State for Communities and Local Government has confirmed that these policies can be 'saved' under Regulations relating to the Planning and Compulsory Purchase Act 2004.

3.4 The Braintree Open Space Audit 2006 provided the evidence base for the development of open space standards adopted in the Braintree Green Spaces Strategy 2008 and the identification of open space deficiencies within six geographical sub-areas of Braintree District. These open space standards will eventually be incorporated into the developing Local Development Framework, but in the interim period the LPR standards will be applied to this SPD.

3.5 The Government is expecting that future open space provision will be brought about through the planning system by way of planning gain. The amount which can be brought forward will therefore be directly related to future levels of residential and commercial development. Provision will also be competing with other demands from development such as highways infrastructure, schools, affordable housing and utilities infrastructure. Therefore the provision of open space will depend upon economic performance.

3.6 The Open Space SPD will supplement the existing Local Plan Review by providing guidance and advice to developers on how the policy should be interpreted and implemented, and to enable them to take the need for open space into consideration at an early stage in the development process.

SPD Objective

3.7 The Open Space SPD has one principle objective – to deliver open space of the right type in the right location which meets the need of the community. It will produce certainty and ensure a consistent approach to the provision of open space throughout Braintree District.

3.8 The SPD gives further guidance on the definition of open space used in the Braintree District Local Plan Review and the approach to open space delivery. It gives guidance on how Policies RLP137 and RLP138 should be interpreted to help meet the need for open space. The Document covers detailed issues such as open space standards, open space types, thresholds for on-site provision of open space in new development, financial contributions to off-site provision and maintenance by public bodies and management arrangements for open space. It is intended to provide clarity, consistency and a more structured approach to open space delivery and will assist the council to negotiate an appropriate and more consistent level of open space of the right type in the right place. The SPD also states how monitoring of the policies and the SPD will be undertaken to ensure the successful implementation of Policies RLP137 and RLP138.

Objectives, Baselines and Context

4 Objectives, Baselines and Context

Links to Other Strategies, Plans and Programmes

4.1 The SPD is part of a hierarchy of planning policy. It must conform to the Braintree District Local Plan Review, and is consistent with the Regional Spatial Strategy *East of England Plan* (2008) and national planning policies which support the Government's sustainability agenda.

4.2 Other policies in the LPR also have a bearing on the location, accessibility and type of open space – RLP 4 *Prevention of Town Cramming*, RLP 10 *Residential Density*, RLP 20 *Residential Institutions in Towns and Villages*, RLP 21 *Institutional Uses in the Countryside*, RLP 25 *Garden extensions within Built-Up Areas*, RLP 31 *Design and Layout of Business Parks*, RLP 34 *Buffer Areas between Industry and Housing*, RLP 41 *Employment Allocation, Springwood Drive, Braintree*, RLP 59 *Panners Roundabout Special Policy Area*, RLP 90 *Layout and Design of New Development*, RLP 95 *Preservation and Enhancement of Conservation Areas*, RLP 111 *Retail Development*, RLP 129 *Sports and Leisure Facilities*, RLP 136 *Formal Recreation Policy*, RLP 140 *River Walks/Linear Parks and Disused Railway Lines*, RLP 142 *Country Parks*, RLP 150 *Educational Establishments* and RLP 157 *Community Uses Site, White Colne*. These policies have also been 'saved' by the Secretary of State. This sustainability appraisal will not consider those other policies because its purpose is to consider the likely effects of the SPD on implementing open space policies RLP137 and RLP138.

Baseline Characteristics

4.3 The current policy on open space requirements dates from the First Draft Local Plan Review. The adopted LPR covers the period 1996-2011, but has a baseline of 31 March 2002 and will be in force until its policies are replaced by Development Plan Documents. The open space standards are based on the widely accepted Fields in Trust (National Playing Fields Association) national standard of 6 acres (2.43 hectares) per thousand population. The Government encourages the setting of local standards through Planning Policy Guidance 17 *Planning for Open Space, Sport and Recreation* (2002), to be justified through needs assessments and quality audits in accordance with PPG17 and its *Companion Guide*.

4.4 The Council's *Audit of Open Spaces in Braintree District (2006)* was the most comprehensive survey of open space and outdoor sports and recreation facilities undertaken in the District. Along with household, user and sports club surveys, it provided the baseline data on which the local open space standards of the *Braintree Green Spaces Strategy* were founded. Quality assessments of the major spaces will form the basis of an Action Plan to secure the raising of quality standards throughout the District. The Strategy looked at provision in six geographic sub-areas so that local needs could be established for a range of open space types.

4.5 The SPD is supplementary to the Local Plan Review adopted in 2005. It builds on the BGSS and is intended to ensure that the right type of open space is provided in the right locations. Information on the environmental, social and economic baseline of the LPR provides the basis for predicting and monitoring effects and helps to identify problems and alternative ways of dealing with them. The sustainability appraisal of the LPR found no adverse impacts from any of the open space policies

and no open space policies were amended as a result of the SA. The main role of this appraisal is to examine whether the Open Space SPD results in any differences in the effects of the Local Plan Review policies, and add detail where appropriate.

The Sustainability Appraisal Framework

4.6 To enable a direct comparison to be made between the Local Plan Review Policy and the Open Space SPD the same 28 sustainability objectives were used, grouped under the following headings:

Social

Housing

- Access to housing
- Quality, quantity and affordability

Built environment and landscape

- Local distinctiveness
- Design – utility, aesthetics and sense of community

Health

- Health – lifespan and quality
- Access to health services

Community Safety

- Crime and disorder reduction
- Reduce perceptions of insecurity
- Reduce accidents

Leisure and recreation

- Encourage leisure activities
- Maximise leisure and sports opportunities

Arts and heritage

- Access to the arts
- Preservation of local cultural heritage

Equalities and welfare

- Access to affordable housing, food, water and fuel
- Access to community services and facilities
- Opportunities for disadvantaged citizens and groups

Promoting democracy

- Opportunities to participate in decision-making

Environmental

Energy, water and pollution

- Energy, water and natural resources
- Pollution – air, water, land and noise

Waste

- Reduction in refuse and solid waste
- Sustainable waste management

Nature conservation

- Protection of biodiversity
- Opportunities for nature conservation

Economic

Jobs, skills and the local economy

- Stable and sustainable local economy
- Physical access to employment
- Training and skills

Transport

- Access – modal shift
- Impact of transport

4.7 These sustainable objectives not only encompassed, but also went beyond the issues published by the Government in *Sustainable Communities for the 21st Century*. Each policy in the Local Plan Review was appraised through the use of a sustainability matrix and the impact of the policies measured in terms of having clear adverse effects or having unclear objectives. This process focused on policies where change was considered essential or desirable. In total 5 strategy elements and 39 policies, nearly a quarter of the policies contained in the Plan, were changed.

The Sustainability Appraisal

5 The Sustainability Appraisal

5.1 This appraisal adopts the most commonly employed method of using a sustainability matrix to cross-reference policies to specific sustainability objectives. The matrix, appended to this SPD, was developed by a small working group of officers representing parks, leisure, environmental and planning services. The matrix is used to compare the impacts of the principal LPR policy (RLP 138) with the impacts of the additional guidance given in the SPD. As both were appraised on a similar basis, the SPD should achieve at least the same level of sustainability as the LPR and, ideally, some improvement. The matrix compares the relative effects of the SPD in comparison to the baseline data and assesses them as positive, neutral or negative.

5.2 The SPD provides guidelines for securing the delivery of open space to meet the needs generated by new development. The following elements of the SPD were tested against the selected sustainability indicators:

- **Delivery** of open space of the right type in the right location
- **Type** of open space provision
- **Thresholds** for on-site provision
- **Financial contributions** from residential, commercial and mixed use developments
- **Ongoing maintenance** of open spaces

Strategic Environmental Assessment

5.3 The Council undertook a screening exercise to determine whether a Strategic Environmental Assessment (SEA) should be carried out in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004. The Council determined that a SEA was not required because the Open Space SPD is a thematic document that supplements existing saved policies in the LPR, and those policies were subjected to a sustainability appraisal. The Council consulted the three statutory bodies comprising English Heritage, Natural England and the Environment Agency and no objections were made to the Council's determination. See Appendix 2 for the Screening Statement.

Sustainability Effects of the SPD

6 Sustainability Effects of the SPD

6.1 The positive effects of the SPD are mostly social. The SPD will ensure an adequate supply of good quality open space appropriate to people's needs, and giving people the opportunity to undertake recreation and sports activities. Access to a range of open spaces can assist in improving the quality of life of people and reducing factors which may contribute to ill health. The provision of open space also provides opportunities for nature conservation and protection of biodiversity through sympathetic management. There were no negative sustainability effects.

6.2 The results of the assessment of the sustainability implications of having an Open Space SPD rather than relying on Policies RLP 137 and RLP 138 alone are:

- **Delivery** – No significant change, although having the right type of space in the right location will encourage greater community use of the spaces provided.
- **Type** – The SPD has a significant positive sustainability effect by ensuring that the type of open space will meet the needs of the community, so that people will have good access to a range of open space types.
- **Thresholds** – Having thresholds for the provision of each type of open space on site aids sustainability by ensuring that open spaces are located close to new developments. Smaller spaces such as children's play spaces are more likely to be provided on new sites.
- **Financial contributions** – An important mechanism for ensuring that all development can contribute to the provision or improvement of more extensive open spaces such as playing fields to meet the needs of the occupiers of that development.
- **Ongoing maintenance** – providing for the future maintenance of new open spaces, whether through the private or public sectors, will ensure that the health and recreational opportunities of people can be safeguarded in the longer term.

Monitoring

7 Monitoring

7.1 The implementation of the SPD and its sustainability effects will be assessed by monitoring:

- The amount of open space provided annually by type, location and size
- The annual change in surpluses or deficiencies of open space types set against the adopted standards.

7.2 The level of development will then be assessed against the projected open space shortfall to determine the effectiveness of the policy in meeting the needs of the District. The overall sustainability effect of the SPD will be assessed by having regard to the type of provision being secured, and to address any adverse impacts that arise through future modification to the guidance. The results of this assessment will be published in the Annual Monitoring Report.

Appendix

Appendix

Table 1 Sustainability Effects of Open Space SPD (Option 1) compared with Local Plan Policies alone (Option 2)

Sustainability Indicators	Delivery of right amount of open space in the right location	Type of Provision	Thresholds for On-site Provision	Financial contributions towards new provision of improvements	Maintenance of Open Spaces
SOCIAL INDICATORS:					
Housing					
Access to housing	0	0	0	0	0
Quality, quantity and affordability of housing	0	0	0	0	0
Built Environment and Landscape					
Local distinctiveness	+?	+?	?	?	+?
Design - utility, aesthetics and sense of community	0	0	0	0	0
Health					
Lifespan and quality of life	+	+	?	?	+
Access to health services	0	0	0	0	0
Community Safety					
Reduction in crime and disorder	?	?	?	?	?
Reduce perceptions of insecurity	0	0	0	0	0
Reduce accidents	0	0	0	0	0
Leisure and Recreation					
Encourage leisure activities	+	+	?	?	+
Maximise leisure and sports opportunities	+	+	?	?	+
Arts and Heritage					
Access to the arts	0	0	0	0	0
Preservation of the local cultural heritage	?	?	?	?	?
Equalities and Welfare					
Access to affordable housing, food, water and fuel	0	0	0	0	0
Access to community facilities and services	+	+	?	?	+
Opportunities for disadvantaged citizens and groups	?	?	?	?	?
Promoting Democracy					
Opportunities to participate in decision making	0	0	0	0	0

- +** Beneficial effect
- Detrimental effect
- 0** Neutral effect
- ?** Uncertain

Sustainability Indicators	Delivery of right amount of open space in the right location	Type of Provision	Thresholds for On-site Provision	Financial contributions towards new provision of improvements	Maintenance of Open Spaces
ENVIRONMENTAL INDICATORS:					
Energy, Water and Pollution					
Energy, water and natural resources	0	0	0	0	0
Pollution of air, water, land and noise	0	0	0	0	0
Waste					
Reduction in refuse and solid waste	0	0	0	0	0
Sustainable waste management	0	0	0	0	0
Nature Conservation					
Protection of biodiversity	?	?	?	?	?
Opportunities for nature conservation	?	?	?	?	?
ECONOMIC INDICATORS:					
Jobs, Skills and the Local Economy					
Stable and sustainable local economy	0	0	0	0	0
Physical access to employment	0	0	0	0	0
Training and skills	0	0	0	0	0
Transport					
Access to transport - securing a modal shift	0	0	0	0	0
Impact of transport	0	0	0	0	0

- +** Beneficial effect
- Detrimental effect
- 0** Neutral effect
- ?** Uncertain

SEA Screening Statement Introduction

1 SEA Screening Statement Introduction

1.1 The Council is preparing an Open Space Supplementary Planning Document (SPD) which expands upon the saved policies for open space in the Braintree District Local Plan Review, adopted in July 2005. A Sustainability Appraisal is also being prepared to accompany the SPD and both documents will be subject to public consultation later this year.

1.2 Sustainability Appraisals are required to incorporate the requirements for Strategic Environmental Assessments (SEAs) as set out in the Environmental Assessment of Plans and Programmes Regulations 2004 which implements the European Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment. The Regulations place an obligation on local authorities to undertake a SEA on any land use plan which sets the framework for future development.

1.3 Under Regulation 5(6) a SEA need not be carried out for a plan or programme which determines the use of small areas at a local level or for minor modifications to a plan or programme, unless the plan or programme or modification is determined to have significant environmental effects. To assist in this determination, local authorities are required to undertake a screening process, based on a set of criteria specified in the Regulations, to assess whether the plan is likely to have significant environmental effects. Before making its determination, a local authority is required to consult on the screening process with three statutory bodies comprising English Heritage, Natural England and the Environment Agency.

1.4 The Council considers that the Open Space SPD will not have any significant environmental effects since it is simply a thematic document that supplements existing local plan policies, and therefore a SEA under Directive 2001/42/EC is not required. Therefore this SEA Screening Document is being sent to the statutory bodies as part of the consultation process for their opinion on whether or not a SEA is required.

Open Space Draft Supplementary Planning Document

2 Open Space Draft Supplementary Planning Document

2.1 For many years now it has been standard practice to base the provision of public open space on the standards set out by the National Playing Fields Association, and indeed the Adopted Braintree District Local Plan Review Policy RLP137 (Open Space Standards) reinforces these standards. Through Planning Policy Guidance Note 17 the Government advocates the setting of standards locally and has published detailed guidance on how this should be undertaken. During the Local Plan Review Public Inquiry objections were made to Policies RLP137 and RLP138 (Provision of Open Space in New Housing Developments). Whilst the Inspector found that there was no evidence to indicate that NPFA standards are inappropriate for Braintree District, he did recommend that local planning guidance should be given on the provision of **housing** in new developments, and Policy RLP138 was amended to reflect that a supplementary planning document on open space standards in new development will be prepared. An Open Space Audit was undertaken in 2006 and forms the evidence for this Open Space SPD.

2.2 Adopted Braintree District Local Plan Review Policy RLP138 (Provision of Open Space in New Housing Developments) reads:

“In proposals for new residential development, the District Council will require land to be made available for open space. The open space will be for play areas and for formal recreation and shall be adequate in terms of size and location to meet the needs of the development that it serves. 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. Appropriate provision of play equipment, or a commuted sum to cover its costs, should also be made.

A Supplementary Planning Document will be prepared on open space standards. Where individual developments would not warrant a directly associated open space provision, but where cumulatively, and over time, there would be a requirement for open space, commuted payments to provide open space will be required.”

2.3 The provision of open space could, and did, happen without the SPD, but the SPD provides additional guidance on how the Local Plan Review policy will be used to secure the type of open space required to meet the needs of the local community. The Open Space SPD covers detailed issues including the types of open space required, open space standards, types of contributing development, thresholds for provision, the bases of calculating the contribution and determining local priorities for expenditure, the policy for adoption of open space by the District Council and viability. This SPD will assist the Council to implement its Green Spaces Strategy by directing expenditure to areas of development and ensuring that local open space needs will be met.

The Sustainability Appraisal

3 The Sustainability Appraisal

3.1 A sustainability appraisal is required for all DPDs and SPDs under the Planning and Compensation Act 1990, and must incorporate the requirements of the SEA Directive. However, the Directive is not applied to plans and programmes which “determine the use of small areas at a local level” or which are “Minor modifications” unless they are determined to be likely to have significant environmental effects.

3.2 The ODPM guidance on Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents states in Appendix 2 that the criteria in Article 3.3 (implemented by Regulation 5(6)) may on occasion apply to SPDs in the form of design guides or issues-based documents that supplement policies in the DPD. It is for the local authority to determine whether there are significant environmental effects and, where they consider that a plan is exempt the Directive requires the local authority to follow a screening procedure by consulting the four specified environmental bodies on whether or not there are likely to be significant environmental effects. The determination and a statement of reasons for reaching it must be made available to the public and local authorities are advised to include it in the SA Report during the consultation process.

3.3 Even where there are no significant environmental effects, the SA will be used to assess whether there are any economic or social effects. Since the Adopted Braintree Local Plan Review was subject to a sustainability appraisal, the SPD SA will compare the effects of the Open Space SPD with the effects of operating the provision of open space in new housing developments policy without any additional guidance.

The Screening Process

4 The Screening Process

4.1 Annex II of the Directive sets out the relevant criteria to be used in the screening process to determine whether the Draft Open Space SPD is exempt from the requirements of Directive 2001/42/EC:

1. The characteristics of plans and programmes having regard to
 - the degree to which it sets a framework for projects and other activities
 - the degree to which it influences other plans and programmes
 - the relevance for integration of environmental considerations in particular with a view to promoting sustainable development
 - environmental problems relevant to the plan or programme
 - relevance for the implementation of Community legislation on the environment
2. Characteristics and effects of the area likely to be affected having regard to
 - probability, duration, frequency and reversibility of the effects
 - cumulative nature of the effects
 - transboundary nature of the effects
 - risks to human health or the environment
 - magnitude and spatial extent of the effects (geographical area and size of population likely to be affected)
 - value and vulnerability of the area likely to be affected due to:
 - special natural characteristics or cultural heritage
 - exceeded environmental quality or standards or limit values
 - intensive land use
 - effects on areas or landscapes which have a recognised national, Community or international protection status

4.2 The screening process required the Draft Open Space SPD to be assessed against the criteria listed above and the results are listed in Table 2. The table shows that the SPD is unlikely to have any significant environmental effects because any effects were neutral or positive.

Table 2 Results of Screening Process

SEA Directive Criteria	Response
<p>The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.</p>	<p>The SPD will not set a framework for any other projects or activities, rather it will supplement existing planning policies in the Braintree District Local Plan Review, which set out the framework for open space requirements in the District.</p> <p>The SPD will provide more detailed guidance on how open space policies shall be interpreted and on the mechanisms through which it will be delivered. It will enable the Council to negotiate an appropriate level and type of open space in connection with individual planning applications for housing development to ensure that the open space needs of the District are met.</p> <p>The SPD elaborates and adds further detail to BDLPR Policy RLP138.</p>
<p>The degree to which the plan or programme influences other plans or programmes including those in a hierarchy.</p>	<p>The SPD is the lowest form of plan in the hierarchy and is subservient to the Local Plan Review and the Regional Spatial Strategy. It will not influence these or any other plans or programmes.</p>
<p>The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.</p>	<p>The SPD will promote the sustainable development in accordance with the principles of PPS12. It will ensure the provision of new open spaces of the right type and in the right location to meet the needs of people living in new housing developments. For larger development schemes the provision of open spaces will be integrated into the development to increase its sustainability.</p>
<p>Environmental problems relevant to the plan or programme.</p>	<p>The SPD will not lead to environmental problems. A sustainability appraisal including social, economic and environmental effects has already been undertaken on the policies and proposals of the Local Plan Review. The provision of open space in accordance with local needs will have a positive environmental effect.</p>

SEA Directive Criteria	Response
The relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste management or water protection).	The SPD has no relevance to the implementation of Community legislation on the environment.
The probability, duration, frequency and reversibility of the effects.	The SPD will have positive effects through the delivery of good quality open spaces integrated with housing provision. There are no adverse environmental effects - indeed local environments are likely to be improved. The effects of open space provision will be long term because the BDLPR Policy RLP136 requires formal recreation sites to be retained except in limited specified circumstances.
The cumulative nature of the effects.	In the longer term there may be positive social and environmental effects through addressing the problem of access to open spaces and the integration of open spaces with housing developments.
The transboundary nature of the effects	The SPD applies only to development within the administrative area of Braintree District Council and will not impact on the neighbouring local authorities which will have their own local policies for addressing the issue of open space provision.
The risks to human health or the environment (e.g. due to accidents).	The SPD seeks to ensure that all persons will have access to good quality open spaces. The risk of accidents will be minimised by ensuring that all open spaces provided through this SPD will comply with the prevailing health and safety legislation.
The magnitude and spatial extent of the effects (geographical area and size of population likely to be affected).	The SPD provides guidance on the provision of open space within Braintree District, although only localised, primarily urban, geographical areas will be affected.
The value and vulnerability of the area likely to be affected due to special characteristics or cultural heritage, exceeded environmental quality standards or limit standards, or intensive land use.	The area to which the policy applies does not have any special characteristics which will be harmed by the guidance in the SPD. Open space proposals will still need to meet planning requirements and accord with any special character of an area.

SEA Directive Criteria	Response
The effects on areas or landscapes which have a recognised national, Community or international protection status.	There are no areas or landscapes within Braintree District that have a recognised national, Community or international status.

Conclusions

5 Conclusions

5.1 The screening process has demonstrated that the Open Space SPD will not have any significant environmental effects and that a Strategic Environmental Assessment need not be incorporated into the Sustainability Appraisal.