

Tendring District Council

Supplementary Planning Document

**For Policy COM6 of the
Tendring District Local Plan 2007-
Provision of Recreational Open
Space for New Development**

May 2008

Tendring
District Council



CONTENTS

	Page Number
Executive Summary	3
1.0 Introduction	5
1.1 Purpose of the Document	5
1.2 Status of the SPD	5
1.3 Background	5
2.0 Policy Framework	6
2.1 National Policy	6
2.2 Local Policy	7
3.0 Establishing Recreational Need	8
3.1 Assessment of Local Needs	8
3.2 Open Space Standards	8
3.3 Types of Provision	9
3.4 Application of the Local Standards	9
4.0 Managing Recreational Needs and Opportunities in Tending	10
4.1 Summary of Approach	10
4.2 Definition of Catchment Areas	11
5.0 Applying the Policies	11
5.1 Introduction	11
5.2 The Eligibility of Dwellings and Open Space Requirements	14
6.0 Securing Provision for Open Space, Sport and Recreation from New Development	15
6.1 Outline Applications	15
6.2 Eligibility	15
6.3 On-Site Provision	15
6.4 Off-site Provision	15
6.5 Planning Obligations	17
6.6 Payment of Contributions	17
6.7 Unspent Contributions	18
7.0 Delivering Open Space, Sport and Recreation Provision and Monitoring	18
7.1 Implementation	18
7.2 Monitoring	19
Appendices	
Appendix 1 Open Space Audit- Summary of Provision by Parish	20
Appendix 2 Text Preceding Policy COM6 TDLP 2007 (December 2007)	24
Appendix 3 Categories of Children's play areas	26
Appendix 4 Worked example of calculation of costs per bedroom	28

RECREATIONAL OPEN SPACE SPORT AND RECREATION FACILITIES - SUPPLEMENTARY PLANNING DOCUMENT.

Executive Summary

The provision of public open space and facilities for sport and recreation underpins people's quality of life. The Council views such provision as important to an individual's health and well-being, and to the promotion of sustainable communities. Where new development occurs, it is important that sufficient open space, sport and recreation provision is made to make the proposals acceptable in land use planning terms.

Current Government planning policy guidance for open space, sport and recreation, published in July 2002 (PPG17), advocates that planning obligations between local authorities and developers should be used positively to;

- Increase provision of open space, sport and recreation facilities; and
- Enhance existing facilities.

In response to this, Policy COM6 in the Tendring District Local Plan 2007 (TDLP) adopted in December 2007, replaced Policy TD5 in the previous Adopted Tendring District Local Plan (April 1998). The latter only sought to secure any provision for open space, sport and recreation on sites of more than 30 dwellings, whereas, the revised Policy COM6 seeks open space provision, or a contribution towards it, from all residential development which generates any additional demand for open space, sport and recreation where there is a proven need. Whilst demand resulting from 1 dwelling is not significant in itself, the cumulative effect of many single units (or small sites) soon becomes significant. Therefore, a contribution towards provision is reasonable to ensure that open space, sport and recreation provision is equitable with new housing units.

This document was formally adopted as a Supplementary Planning Document (SPD) in April 2008, superseding the previous Supplementary Planning Interim Document (SPID). A consultation exercise on the SPID was carried out in January 2006, in accordance with the 2004 Regulations. This consultation formed the early participation required under Regulation 17. The SPID was amended and approved by the Council as an interim document in May 2006.

The adoption of the TDLP 2007 enabled the SPID to be formally adopted as SPD in accordance with the Tendring Local Development Scheme (LDS) subject to some minor changes in light of the Inspector's recommendations for Policy COM6. Consequently, changes to the document were made and, to comply with Regulation 17, the revised document was the subject of a further round of consultation in February and March 2008 before the Council made final revisions and adopted it as SPD.

The payments required from applicants for planning permission for residential development, if the open space, sport and recreation provision is to be provided off-site are as follows. These will be reviewed annually and are based on 2007 prices:

▪ Bedsit/elderly	No contribution
▪ Studio Flat	£ 544.00
▪ 1 bed roomed dwelling	£ 845.00
▪ 2 bed roomed dwelling	£ 1,690.00
▪ 3 bed roomed dwelling	£ 2,253.00
▪ 4 bed roomed dwelling	£ 2,816.00
▪ 5+ bed roomed dwelling	£ 3,380.00

All applicants eligible to meet the open space requirements must before the Decision Notice is issued, enter into a Unilateral Undertaking or Section 106 Agreement to pay a financial contribution prior to commencement of the development.

The contributions received will be spent on open space, sport and recreation to serve the development in accordance with agreed priorities as identified by the Council. This will either be new provision or improvements to existing facilities, either within the parish or local ward(s), having regard to the appropriate catchment area of the development. If no need is evident locally a contribution can be reserved for a serious deficiency identified elsewhere in a built up area or, a contribution towards existing district wide facilities.

RECREATIONAL OPEN SPACE SPORT AND RECREATION FACILITIES - SUPPLEMENTARY PLANNING DOCUMENT.

1.0 Introduction

1.1 Purpose of the Document

1.1.1 This Supplementary Planning Document (SPD) is provided to explain and amplify Policy COM6 in the Tendring District Local Plan 2007 (TDLP). It sets out a justification for the policy approach and explains the policy framework. In addition it identifies recreational needs, through existing provision and minimum standards. Finally, it explains the mechanism for making the required financial contributions and the process followed for spending monies received on recreation improvement and provision.

1.2 Status of the SPD

1.2.1 The consultation procedures which have been followed are in accordance with PPS12 under the 2004 Planning Regulations. The Council document was formally adopted by the Council as Supplementary Planning Document (SPD) in April 2008. This SPD supersedes the previous Supplementary Interim Guidance, known as SPID. Its preparation included early consultation as required by Regulation 17 (2004 Regulations) in January 2006 and further consultation as a draft SPD in February and March 2008 SPD following a change to Policy COM6, as required by the Inspector's binding report into the Redeposit Version of the Local Plan.

1.3 Background

1.3.1 As explained above, this document has been formally adopted as SPD. This guidance is supported by a number of other documents which contain more detailed technical information. These include;

- Open Space Audit (Revised January 2008) – including an overall qualitative and quantitative assessment; and
- Guidance note for applicants.

1.3.2 The provision and management of recreational open space and facilities within Tendring involves the functions of a number of Council services, including planning, leisure and finance. The preparation of a detailed framework establishes a co-ordinated approach between the various services, which is essential to ensure facilities are provided in the right location and equipped appropriately for their intended purpose. Furthermore, it ensures that the potential contributions from housing developments are secured and used to their maximum potential, in areas where priorities have been identified. This corporate approach reflected in this SPD develops Council objectives to improve both the quality and quantity of recreational open space throughout the district.

1.3.3 Summary of District need

- 1.3.3 A draft audit of open space was consulted on in May 2006 and revised in January 2008. This identifies existing provision of equipped play areas and formal recreational open space (but excluding amenity open space which has a valued but different function), against the required minimum provision. Based on the National Playing Fields Association recommended standards, the Audit indicates an overall district wide deficit of 56.86 hectares. A summary of the audit by parish is attached as Appendix 1 from which is evident from this that almost all of the parishes have a deficit of provision. Even where an overall surplus is shown, there appears to be a deficit provision specifically for equipped children's play areas. As priorities are identified it may be appropriate to identify local standards. Until such time that this is evident, the NPFA standards will be used as a guide.
- 1.3.4 As part of the Local Development Framework, and the need to continually monitor and review documents, the Council will be updating its evidence base for all types of open space. Any findings from this work will feed into future reviews of the audit and SPD.

2.0 Policy Framework

2.1 National Policy

- 2.1.1 The importance of open space at a national level has increased significantly over recent years. The Government now advocates a broad strategy for;
- supporting urban renaissance –help to create attractive, clean safe urban environments;
 - supporting urban renewal – contribute to the economy, quality of life and well being of rural areas;
 - promotion of social inclusion and community cohesion – bring together communities and provide opportunities for individuals;
 - promoting health and well being –promoting healthy living and social development; and
 - promoting more sustainable development –served by local transport and easily accessible by walking and cycling.
- 2.1.2 The Government's policies for achieving this strategy are channelled through the Planning Policy Guidance Notes/ Statements. The guidance for open space and sport and recreation is contained in PPG17 and its companion guide "Assessing Needs and Opportunities" (September 2002). This sets out Government policy on open space, sport and recreation in conjunction with new development. It states ... "Local authorities should ensure that provision is made for local sports and recreation facilities (either through an increase in the number of facilities or through improvements to existing facilities) where planning permission is granted for new development (especially housing). Planning obligations should be used, where appropriate, to seek increased provision of open spaces and local sports and recreational facilities, and enhancement of existing facilities" (paragraph 23). The guidance states; "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" (paragraph 33).

- 2.1.3 The advice usefully indicates that developer contributions can be used to establish or improve any component of recreational open space within an identified distance threshold from the development. It is acknowledged in the PPG that the distance that residents can expect to travel to recreational open space facilities varies in urban and rural areas. It states “residents of rural areas usually have to travel further than urban residents to some forms of provision.” Each type of open space facility has a different distance threshold, which may vary from location to location. The aim of this is to establish maximum accessibility to a wide range of high quality facilities.
- 2.1.4 The Companion Guide “Assessing Needs and Opportunities” gives further detailed advice. It suggests that in many cases it may be more appropriate to use developer contributions to improve the quality of existing facilities rather than make new provision. This may be particularly relevant to provide a higher standard of facility to serve a group of parishes in the rural areas. This will be addressed through the priorities approved by the Council. Following on from this issue a minimum acceptable size component for “useable space” is established, which is reflected in policy COM6 as 0.15 hectares.
- 2.1.5 In addition PPS3 – Housing includes the provision of good access to recreational open space, as one characteristic of high quality design (paragraph 16).
- 2.1.6 Circular 5/05 – Planning Obligations gives guidance on planning obligations. These are agreements which can be negotiated to provide on and off-site community facilities related to a development, or in the case of small development, provide a contribution to nearby provision (Annex B). Planning obligations may also be used to provide for future maintenance where open space is principally of benefit to the occupants of a proposed development. Planning obligations are concluded under Section 106 of the Town and Country Planning Act 1990. In accordance with Circular 5/05, the Council will seek to secure open space, sport and recreation which is necessary; relevant to planning; directly related to the proposed development; fairly and reasonably related in scale and kind to the proposed development, and reasonable in all other respects.

2.2 Local Policy

- 2.2.1 The TDLP 2007 brings local plan policy into line with the latest Government guidance. Policy COM6 in the TDLP 2007 seeks to secure either on-site provision, or a financial contribution for off-site provision for all new housing development permitted where a need is demonstrated. The policy as it appears in the Adopted Plan is shown below. The preceding text is included as Appendix 2. This was the subject of changes included in the Inspector’s Binding Report into objections to the Re-deposit Version of the Local Plan.

Policy COM6 – Provision of Recreational Open Space for New Residential Development

Proposals for residential development on a site of 1.5 hectares and above are required to provide at least 10% of the gross site area as public open space. In exceptional cases where the District Council agrees that provision would be best met off-site and where existing open space facilities are inadequate to meet the projected needs of the future occupiers of the development a financial contribution in lieu of on-site provision may be made. This must include appropriate equipment, suitably laid out for the specific use intended, which has been agreed in advance with the District Council. The nature of the public open space will be expected to be:

- usable open space in terms of its location, size and shape, with no single area being less than 0.15 hectares;
- planned for in a positive way, that integrates the open space in the development that it serves;
- landscaped in a way that provides for visual amenity, biodiversity gain, and areas of shade;
- designed with the safety and security of children in mind, including traffic calming of the access to the open space where this involves crossing a road; and
- a range of different types of play areas in the larger sites, to cater for different user groups in accordance with the hierarchy of provision outlined by the National Playing Field Association.

For residential development below 1.5 hectares in size, where existing open space facilities are inadequate to meet the projected needs of the future occupiers of the development, a financial contribution shall be made to the provision of new or improved off-site facilities in scale and kind to meet these needs.

3.0 Establishing Recreational Need

3.1 Assessment of Local Needs

3.1.1 In line with PPG17, the Council has carried out a range of studies to assess the local sport and recreation needs. These include:

- A Strategy for Equipped Play Areas in the Tendring District (2002 to 2005);
- Reports on Recreational open space; Playing pitches; Children's play areas; and Executive Summary prepared by consultants (KKP);
- Open Space, Audit; and
- Proposed Work- Review all open space leading to Open Space Strategy for Tendring (to be commissioned 2008 for LDF evidence).

3.2 Open Space Standards

3.2.1 The Council will establish local standards using the National Playing Field Association minimum "Six Acre" Standard as a guide until local standards are

established. This will follow a further assessment of open space, sport and recreation. These will be prepared and will be supporting documentation to the next version of the Local Plan, which will be the Local Development Framework Document (2010/11).

3.3 Types of Provision

3.2.1 It is important that definitions of the different types of recreation provision are understood applied consistently. The following definitions based on the typology in PPG17, are used in this SPD;

3.2.2 **Open space for sport-playing fields** - includes provision for playing pitches and other outdoor facilities. Playing pitches include grass, artificial and synthetic surfaces for team sports at junior and senior level. Changing facilities and dedicated car parking are also included. Other outdoor facilities include courts, greens and athletics tracks, together with ancillary facilities such as changing rooms.

3.2.3 **Children's play space** - comprises equipped children's play space and casual play space. For children of 4-8 years provision should be made for Locally Equipped Areas for Play (LEAPs), within a catchment area of 400 metres of dwellings, and with a minimum size of 400 sq m. For young persons aged 8-14 years, Neighbourhood Equipped Areas for Play (NEAPs), within a catchment area of 1000 metres are required. Multi-Use Games Areas (MUGAS), may be incorporated in NEAPs or may be provided to serve a wider catchment area. In addition casual play space in the form of "kick-about areas" for use by children and adults may be required, as well as Local Areas for Play (LAPs), which are designed specifically for children under the age of 6. (See Appendix 3).

3.2.4 **Informal Open Space** - includes parks and gardens and other defined open spaces used for walking, picnicking, casual play and games. Also 'linking' open spaces, such as green corridors, footpaths and cycle ways, and amenity green space and landscaping within schemes are included. The creation and protection of woodlands, and the retention of areas of natural and semi-natural greenspace with particular value for conservation, are also likely to be important within schemes. In all cases it is important to maximise opportunities for bio-diversity in all types of open space.

3.4 Application of the Local Standards

3.4.1 The Audit of Open Space is intended to illustrate the district wide position on shortfalls and remedial proposals. A summary of existing formal provision and the degree of deficiency by Parish, based on the local standards has been established. Please refer to the background documents for this information in more detail and the full quantitative and qualitative assessment.

4.0 Managing Recreational Needs and Opportunities in Tendring

4.1 Summary of Approach

4.1.1 Everyone has the right to reasonable access to recreational provision. However, not all facilities can reasonably be required in all locations. The small children's play areas and amenity areas have a very local need, whereas, NEAPs and MUGAs serve a wider range of users. People's expectations of accessibility to a play area are different to that of an athletics track, for example. Furthermore, in rural areas it is accepted that the distance required to travel to some facilities is greater than in urban centres. These inevitable variations, suggest the need for a practical approach to managing the provision of facilities and investment. Dividing the district into catchment areas and defining three levels of provision requirements, ensures that as many people as possible are given the opportunity to have access to wide ranging recreational facilities.

4.1.2 Provision requirements, using distance thresholds as a guide are summarised below in Table 1, illustrating requirements for parish/ settlements; catchment areas, and the whole district.

Table 1 Recreation Facility Requirements in Tendring

TIER OF PROVISION	RECREATION FACILITY REQUIREMENTS
ALL PARISHES / SETTLEMENTS	LAP Amenity open space
PARISHES / SETTLEMENTS WITH +1000 POPULATION	LEAP, Playing pitches
CATCHMENT AREA	NEAP Playing pitches Multi Games areas Tennis courts, Bowling greens
DISTRICT	Larger multi games area (perhaps competition standard facilities ; athletics facilities Built recreation facilities- sports hall, swimming pool, leisure centre, indoor bowls etc).

4.2 Definition of Catchment Areas

4.2.1 Tendring covers a wide geographical area, incorporating rural areas, with several urban centres. In defining logical catchment area boundaries, a general pattern emerges, with the rural areas looking towards the nearest urban centre for many facilities, including schools. The Education Authority has long established catchment area boundaries and those relating to secondary schools have been used in this SPD, to define five local catchment areas. Many secondary schools are involved in the joint community use of many leisure facilities throughout the district. This suggests some common relationship between the catchment areas for leisure use and education. These are shown on Map 1 and are described below:

- **Catchment Area 1 - North West** - Manningtree, Mistley, Little Bentley, Tendring, Lawford, Ardleigh, Little Bromley, Bradfield, Wrabness and Wix.
- **Catchment Area 2 - North East** - Harwich, Dovercourt, Ramsey & Parkeston, Great Oakley and Little Oakley.
- **Catchment Area 3 - Central East** - Walton, Frinton, Great Holland, Kirby, Beaumont, Thorpe, Little Clacton and Weeley.
- **Catchment Area 4 - Central West** - Brightlingsea, Alresford, Great Bentley, Thorrington, Frating, Elmstead and Great Bromley.
- **Catchment Area 5 - South** - Clacton-on-Sea and St Osyth.

4.2.2 These areas may be reviewed if work on other aspects of the Local Development Framework suggests a need for alternative catchment area boundaries.

5.0 Applying the Policies

5.1 Introduction

5.1.1 It is important that developers should enter into discussion with the Council as early as possible in the development process in order to determine the likely open space, sport and recreation requirements of their scheme. Applicants should include sufficient detail in their applications for the proper assessment of the open space requirement by the Council. The open space contributions sought will be related to the development based on need and the Council's approved priorities, in accordance with Government guidance in PPG17, the accompanying Good Practice Guide (2002) and Circular 5/05.

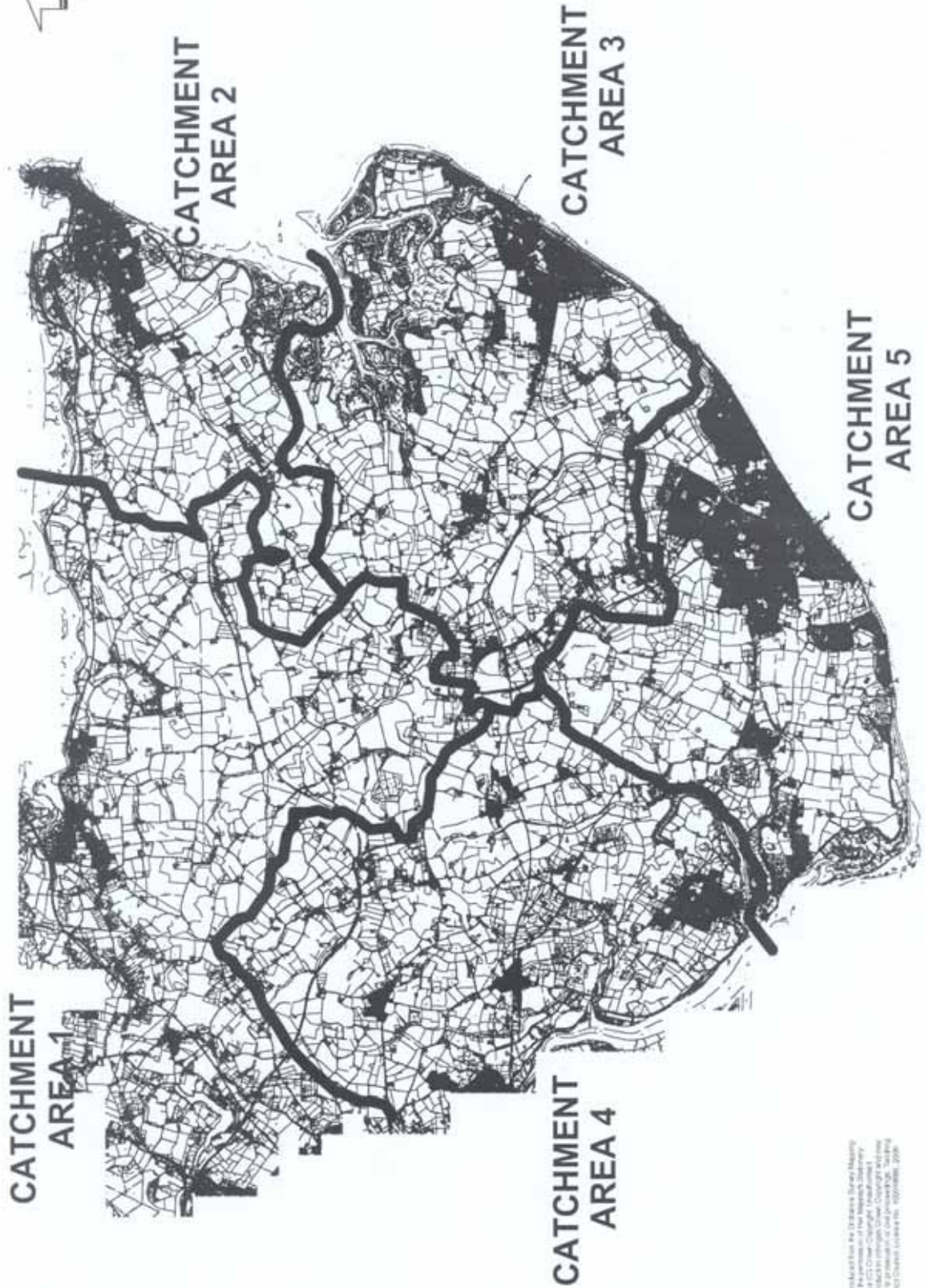
5.1.2 The Council's priorities will indicate local projects, involving new provision, enhancement or maintenance, which will include the types of facilities required within catchment areas such as an all weather pitch as well as District projects.

5.1.3 The Council will adopt the approach whereby contributions will be sought from applicants where there is shown to be a demand for new open space arising from the development, or an existing shortfall in the surrounding area. It will therefore be Council policy to seek contributions from all applicants wherever

the assessments show this to be the case for open space, sports or recreation facilities.

CATCHMENT AREA MAP

MAP 1



Map prepared for the District Council
at the request of the District Council
by the District Council's Planning
Department. The map is for the
District Council's use only. It is not
to be used for any other purpose.
District Council, 10000000, 2008

5.2 The Eligibility of Dwellings and Open Space Requirements

5.2.1 Policy COM6 in the Adopted TDLP 2007 requires a financial contribution to be paid towards recreational open space provision in lieu of on-site provision for all residential units, where there is shown to be demand arising from development or an existing shortfall. Most new types of housing development will potentially generate additional demands for playing space including the upgrading of existing facilities.

5.2.2 The Council's open space standards will be applied where new residential development leads to a net gain in residential units. The open space, sport and recreation requirements generated will depend on the type of development being considered. Contributions for all categories of open space, sport and recreation may be sought for open market or affordable housing and permanent mobile homes, for example. Extensions to existing dwellings will not require contributions, neither will homes for the elderly (except for informal open space), replacement dwellings, individual bedsits or nursing homes.

Table 2. Open space, sport and recreation provision

	Open Space for Sport	Children's Play Space	Informal Open Space
Open market housing	✓	✓	✓
Affordable Housing	✓	✓	✓
Flats	✓	✓	✓
Less active elderly e.g. sheltered housing / nursing home	✗	✗	✓
Permanent mobile homes	✓	✓	✓
Agricultural worker housing	✓	✓	✓
Extensions and granny annexes	✗	✗	✗

* Residential unit: Self-contained dwelling in Class C3 of the 2005 Use Classes Order that is occupied by either a person or group of people living together as a single family, or not more than six residents living together as a single household (including a household where care is provided for residents).

6.0 Securing Provision for Open Space, Sport and Recreation from New Development

6.1 Outline Applications

6.1.1 Outline planning approvals will be subject to a condition (where on site provision is required) and / or a planning obligation reserving details of open space requirements to the reserved matters application stage. Applications to amend previously permitted schemes will also be subject to assessment for open space purposes if additional qualifying residential units or bedrooms are contained in the revised application. Applications to renew a lapsed permission will also be subject to the open space contributions. Proposals to renew or extend the time limit of an existing permission will also be assessed for open space purposes under this supplementary guidance.

6.2 Eligibility

6.2.1 In all cases provision for open space, sport and recreation will be sought where it is necessary as a result of the proposed development, or there is evidence of a deficiency of recreation facilities potentially required by the development. For most residential applications on sites of more than 1.5ha, the open space, sport and recreation requirement will need to be provided on-site. For smaller sites, a financial contribution will be required. In both cases the type of provision sought will depend upon the nature and size of the proposed development and the identified priorities for recreation provision.

6.3 On-site Provision

6.3.1 Any on-site provision will need to reflect the scale of the development together with the assessed deficiency in the surrounding area. The area must be laid out to the satisfaction of the Council, and if the developer is looking for the Council to adopt the provision the payment of a commuted sum to cover the future maintenance of the site for a period of twenty years would be required (as set out in Table 3 below).

6.4 Off-site provision

6.4.1 In the case of small sites it will be unrealistic and uneconomic to provide and maintain open space for sport and recreation. In this situation the Council will require applicants to make provision in an agreed alternative location, or to make a financial contribution for provision in line with agreed priorities identified by the Council. Applicants are asked to consult the Council's development control and leisure services staff at an early stage to discuss these requirements.

6.4.2 Exceptional consideration

Policy COM6 now states that usually for residential sites of over 1.5 hectares, the recreational open space requirements should be met on-

site. It does, however, provide a caveat that in exceptional cases some or all of the required provision may be best met off-site, which could include the requirement in all or part as a financial contribution. Such cases will be considered individually and any financial contribution will be based on the appropriate proportion guided by the calculation included below. Cases where this may be particularly relevant may be where a priority has been identified to improve or extend an existing recreation area which may comprise both sports use and children's play. It could be more beneficial to use a financial contribution to enable such enhancements, rather than another area on site close by being provided. Whilst in most cases on larger sites provision for recreational open space will be met on site, it is important to include a degree of flexibility to ensure the best opportunities for the local community are safeguarded.

6.4.3 In accordance with the Government's guidance (PPG17), the costs for financial contributions include the following elements;

- Cost of land;
- Laying out of open space for the agreed purpose to an accepted standard and specification;
- Commuted sums for the maintenance cost / per sq.m of open space for a specified time period;
- Legal fees and administration costs; and
- Landscaping, levelling, drainage and equipment (in accordance with specified standards).

6.4.4 To establish the amount of contribution required, the Council, will apply a calculation which is based on the average costs per person for each type of provision. Current estimates of these costs are shown in Table 3 below;

Table 3 Breakdown of costs per person (2007 prices)

	Per Person		
	Formal/Informal Space	Equipped playing Space	Total Cost
Cost of Acquiring Land	£32.25	£3.75	£36.00
Cost of Providing Facilities	£255.00	£92.50	£347.50
Maintenance Cost	£110.00	£50.00	£160.00
	£397.25	£146.25	£543.50

6.4.5 Having established an average cost of provision the financial contribution required can be calculated according to the number and size of dwellings proposed. An explanation for this calculation, using this process, is shown in Appendix 4. The costs shown in Table 4 below have been calculated at 2007 prices and will be reviewed annually.

Table 4 Costs per dwelling 2007

Dwelling size	Cost per dwelling (2007)
Bedsit/elderly	No contribution
Studio Flat	£544.00
1 bed room	£ 845.00
2 bedrooms	£ 1,690.00
3 bedrooms	£ 2,253.00
4 bedrooms	£ 2,816.00
5+ bedrooms	£3,380.00

6.5 Planning Obligations

6.5.1 Arrangements for developers' contributions may be secured by an Agreement under Section 106 of the Town and Country Planning Act 1990. The agreement will set out the rights and responsibilities of each party, taking account of this SPD. It will also set out the timing for the payment of the agreed contributions. The guidance note explains this fully.

6.6 Payment of Contributions

6.6.1 Wherever possible, payment of financial contributions will be sought at the earliest stage. Where the size and number of dwellings are known, applicants will be required to either:

- Before the Decision Notice is issued, enter into a Unilateral Undertaking or alternatively a Section 106 Agreement to pay a financial contribution prior to commencement of the development.

6.6.2 For outline applications where there is insufficient information to establish the open space, sport and recreation requirement, financial contributions must be paid:

- At a time specified by a Section 106 Agreement (usually prior to commencement of the development of the first dwelling) which must be entered into by the applicant / landowner, calculated using the latest costs published by the Council prior to commencement.

6.7 Unspent Contributions

6.7.1 The Council will spend development contributions in accordance with planning obligations, planning guidance, development plan policy and the Council's assessment of need and priorities. In general this will include;

- Acquisition of land;
- Laying out of land for open space, sport and recreation use;
- Maintenance of land and facilities for open space, sport and recreation use, and
- The upgrading of land, facilities and equipment for open space, sport and recreation use.

6.7.2 Contributions under the guidelines in this document will be placed in ring-fenced accounts reserved for the provision and maintenance of open space, sport and recreation space in Tendring. The contributions will be spent in accordance with the agreed priorities for recreation provision, either in the parish ward(s) or catchment area (or for a district wide facility), corresponding with the development. If funds remain unspent or uncommitted in 20 years after receipt, they may be repaid to the applicant, if appropriate, with accrued interest, subject to the applicant proving entitlement within six months of the 20th anniversary of the payment.

7.0 Delivering Open Space, Sport and Recreation Provision and Monitoring

7.1 Implementation

7.1.1 Following the implementation of this scheme, funds in all areas will have to grow sufficiently to implement appropriately agreed improvements. The management of the funds will ensure that there is the opportunity to provide both the small local facility such as a LAP playground, as well as, some of the larger facilities serving a wider population group such as a multi-sports pitch, or on a larger scale, District wide facilities (e.g. an athletics track), to potentially benefit all areas of the district. This is reflected in the unilateral undertakings and planning obligations which will be managed by the Legal Agreements Manager.

7.1.2 Open space, sport and recreation facilities are not always managed or owned by TDC. In many cases Parish Councils or recreation/sports trusts are responsible for existing facilities, their maintenance and enhancement. The financial contribution scheme is established to benefit the community. Therefore investment is to be directed towards those areas associated with the development permitted (Parish or

catchment area), irrespective of the ownership of the open space facilities. Therefore, where appropriate, Parish Councils' or recreation trusts can apply for funds from the financial contribution reserve to implement improvements or new provision, in accordance with an agreed specification. The procedure for this is managed by the Leisure Services Manager, who should be contacted for further advice.

7.2 Monitoring

7.2.1 The implementation of this SPD will require constant monitoring to ensure that its objectives are being met and priorities are being delivered. In the initial few years, the system and operational mechanisms themselves will need to be monitored and adapted, as required. All measures need to be introduced smoothly and not hinder overall performance. The actual receipt of contributions will need to be closely monitored, particularly where Section 106 Agreements require the payment of funds prior to the commencement of the development. This process will be managed and maintained by the Councils Legal Agreements Manager.

7.2.2 There are several other key elements within this SPD which require annual monitoring and review. The following elements will be reviewed and published annually:

- Annual costs per bed space, indicated as costs for 1-4+ bed roomed properties; and
- Annual statement of funds indicating the sums of money reserved catchment area and an indication of funds spent in therein.

7.2.3 The Audit of formal open space provides critical baseline data. It will need to be monitored and updated to reflect the implementation of priorities including those provided by on-site provision linked to larger developments. In addition it will need to take account of outside factors which may change priorities such as deterioration of the quality of specific facilities due to damage/vandalism. The comprehensive LDF evidence work to be commissioned on all types of open space will provide the opportunity to further review the SPD. An open space Strategy will inform the priorities in the district for all open space requirements in the longer term. When available this will feed into the SPD, and provide an important evidence base in the long term to identify the need for all types of open space throughout the District.

APPENDIX 1

OPEN SPACE AUDIT SUMMARY BY PARISH (Draft Audit November 2006)

Audit Summary by Parish

District/Settlement	Alresford	Ardleigh	Beaumont cum Moze	Bradfield	Brightlingsea	Clacton on Sea	Elmstead Market	Frating	Frinton, Gt Walton & Bentley Kirby	
Population	2,125	2,081	352	1,094	8,146	55,949	1,898	551	19,039	2,259
Required Provision										
Play based on 0.8ha per 1000 head of population	1.70	1.66	0.28	0.88	6.52	44.76	1.52	0.44	15.23	1.81
Open space and Recreation based on 1.6ha per 1000 head of population	3.40	3.33	0.56	1.75	13.03	89.52	3.04	0.88	30.46	3.61
Total space requirement	5.10	4.99	0.84	2.63	19.55	134.28	4.56	1.32	45.69	5.42
Existing Provision										
Equipped Play Area	0.09	0.08	0.04	0.05	0.09	3.13	0.05	0.10	0.62	0.08
Open Space & Recreation	3.10	3.21	0.31	2.16	5.78	113.38	0.00	0.00	60.85	17.10
Total Existing Provision	3.19	3.29	0.35	2.21	5.87	116.51	0.05	0.10	61.47	17.18
Surplus/Deficit	-1.91	-1.70	-0.50	-0.42	-13.68	-17.77	-4.51	-1.22	15.78	11.76

District/Settlement	Gt Bentley	Gt Bromley	Great Oakley	Harwich & Dovercourt	Lawford	Little Bentley	Little Bromley	Little Clacton	Little Oakley	Manningtree
Population	2,259	1,130	1,012	17,015	4,476	312	289	2,832	1,294	900
Required Provision										
Play based on 0.8ha per 1000 head of population	1.81	0.90	0.81	13.61	3.58	0.25	0.23	2.27	1.04	0.72
Open space and Recreation based on 1.6ha per 1000 head of population	3.61	1.81	1.62	27.22	7.16	0.50	0.46	4.53	2.07	1.44
Total space requirement	5.42	2.71	2.43	40.84	10.74	0.75	0.69	6.80	3.11	2.16
Existing Provision										
Equipped Play Area	0.08	0.02	0.05	0.94	0.25	0.00	0.00	0.05	0.03	0.00
Open Space & Recreation	17.10	1.54	2.80	30.93	3.30	0.00	0.00	6.15	2.00	0.00
Total Existing Provision	17.18	1.56	2.85	31.87	3.55	0.00	0.00	6.20	2.03	0.00
Surplus/Deficit	11.76	-1.15	0.42	-8.97	-7.19	-0.75	-0.69	-0.60	-1.07	-2.16

District/Settlement	Mistley	Ramsey & Parkeston	St Osyth	Tendring	Thorpe le Soken	Thorrington	Weeley	Wix	Wrabness	Tendring Total
Population	2,474	2,488	4,119	679	2,047	1,063	1,780	755	380	138,539
Required Provision										
Play based on 0.8ha per 1000 head of population	1.98	1.99	3.30	0.54	1.64	0.85	1.42	0.60	0.30	110.83
Open space and Recreation based on 1.6ha per 1000 head of population	3.96	3.98	6.59	1.09	3.28	1.70	2.85	1.21	0.61	221.66
Total space requirement	5.94	5.97	9.89	1.63	4.91	2.55	4.27	1.81	0.91	332.49
Existing Provision										
Equipped Play Area	0.24	0.92	0.31	0.00	0.00	0.92	0.08	0.04	0.26	8.43
Open Space & Recreation	2.70	3.05	3.21	0.00	0.15	1.30	2.00	1.83	0.35	267.20
Total Existing Provision	2.94	3.97	3.52	0.00	0.15	2.22	2.08	1.87	0.61	275.63
Surplus/Deficit	-3.00	-2.00	-6.37	-1.63	-4.76	-0.33	-2.19	0.06	-0.30	-56.86

District/Settlement	Tending Total
Population	138,539
Required Provision	
Play based on 0.8ha per 1000 head of population	110.83
Open space and Recreation based on 1.6ha per 1000 head of population	221.66
Total space requirement	332.49
Existing Provision	
Equipped Play Area	8.43
Open Space & Recreation	267.20
Total Existing Provision	275.63
Surplus/Deficit	-56.86

APPENDIX 2-

Text preceding Policy COM 6- Tendring District Local Plan 2007 (Adopted December 2007)

New Recreational Open Space within New Housing Development

- 5.30** Where new development is proposed, it can place a significant burden on existing open space provision in the area or result in development seriously deficient in open space provision. Government Circular 1/97 makes it clear that developers should not be expected to make up for existing deficiencies, although Government guidelines make it equally clear that new development from one dwelling and above generates its own demands and requirements for recreational open space and suggests that local planning authorities should develop local standards that may be applied to ensure new developments make provision for open space to meet needs. The Council will therefore seek to ensure that open space provision is included within development proposals or where appropriate contributions will be sought to provide on or off site open space provision. Policy COM6 provides the framework to secure this enhancement.
- 5.31** Layouts should incorporate appropriately sized and maintainable recreational open space as an integral and usable part of a development, rather than simply taking advantage of “left-over” land in an awkward corner of the site. Children’s play areas should generally be easily accessible from pedestrian routes, separated from areas of major vehicle movements, overlooked from dwellings or well-used pedestrian routes and be located and designed to minimise disturbance to nearby dwellings. Perimeter landscaping or structural landscaping which is required as part en parcel of the “good planning” of the development will not constitute as being a component of the recreational or public open space contribution of the site. Both landscaping and public open space are required in their own right.
- 5.31a** The National Playing Fields Association recommended a national minimum standard of provision for recreational open space of 2.4 hectares per 1000 of the population. PPG17 advocates that minimum standards should be used to refine areas deficient in open space. It also recommends that where an up to date audit of existing facility provision has been undertaken it may be appropriate to set local minimum standards. Although some work has been carried out a thorough review of the quality and quantity is being undertaken as part of the background to the Supplementary Policy Implementation Document, which will amplify Policy COM6. Following this, detailed local standards may be produced for Tendring. In the meantime the minimum standard of recreation provision should be based on the NPFA national guidelines. The 2.4 hectare per 1000 population standard is broken down as follows:
- 1.6 hectares playing pitches/outdoor sport
 - 0.8 hectares children’s play space
- 5.33** A significant proportion of new housing in the District to come forward in the next 10 years will be provided on small sites to be occupied by less than 50 people or

less than 25 dwellings during the Plan Period. Cumulatively this will generate a requirement for new and improved open space facilities.

- 5.34** Where a developer is unable to meet the required standard, in part or fully, through physically providing and laying-out suitable open space, the District Council will require commuted payments in lieu of physical provision. This will help to ensure that open space provision keeps pace with new housing development.
- 5.35** The Council considers that open space provision should be included as part of all residential developments involving sites greater than 1.5 hectares in size, and should comprise at least 10% of the gross site area. To ensure that the financial contribution is fairly and reasonably related in scale and kind to the proposed development, the Council will prepare detailed guidance, but in general, it will depend on:
- (i) the playing space requirement for the development;
 - (ii) the extent to which these requirements have been met in other ways e.g. part may be able to be accommodated on-site;
 - (iii) the nature of the development; and
 - (iv) the existing provision in the area.
- 5.36** The Council undertakes that any financial contribution will be used to provide or improve the appropriate recreational facility within a reasonable timescale and will be directly attributable to the development and not intended to cover any additional or unrelated benefit. Guidance has been prepared initially as a Supplementary Policy Interim Document (SPID), later to become a Supplementary Planning Document under the 2004 Planning Regulations. The SPID sets the context for the policy implementation, establishes mechanisms for securing financial procedures and defines a framework for spending the funds in accordance with legislative requirements. In order to ensure financial contributions are spent fairly a Priorities/Action Plan will be produced based on an up to date audit of existing recreation provision. This formed part of the background and consultation process of the preparation of the SPID. As a result the District Council is in a strong position for enhancing the quality and quantity of recreation provision for the local communities. Improvements to provision will be directed to the priorities identified, which will cover facility provision at a local, catchment area and district level.
- 5.39** If recreational public open space and play equipment are to be adopted by the District Council and are predominantly for the benefit of users of the development, the developer must provide for their future maintenance. The District Council will seek a planning obligation to make suitable financial provision for its subsequent maintenance. The District Councils open space standards and the basis of commuted sum calculations is provided in more detail in SPD, which will be revised annually.

APPENDIX 3

Categories of children's play areas (NPFA recommended guidelines)

- ❖ **Local Area For Play (LAP)**- A small area of unsupervised open space specifically designated for young children for play activities close to where they live.
- ❖ **A Local Equipped Area For Play (LEAP)**- an unsupervised play area equipped for children of early school age.
- ❖ **A Neighbourhood Equipped Area for Play (NEAP)**- an unsupervised site servicing a substantial residential area, equipped mainly for older children but with opportunities for play for younger children.

Main Characteristics of a LAP

- To cater for children up to 6 years old
- To be within 1 minute walking time from home (100m)
- To be situated adjacent to a well-used pathway and on a flat site that is well drained
- To provide a minimum activity zone of 100msq.
- To include demonstrative play features to enable children to identify space as their own domain.
- To include a buffer zone of 5m including planting.
- Fencing 600mm high with some barrier at the entrance to limit the speed of entering or leaving the facility.
- Seating is to be included
- Areas to include signage which states the age group is intended for and that dogs are excluded.

Main Characteristics of a LEAP

- To cater for children from 4 to 8 years old.
- To be within 5 minutes walking time of home.
- To be situated adjacent to a well used pathway and on a flat site that is well drained.
- To provide a minimum activity zone of 400msq
- To include a buffer zone of 10m depth including planting.
- To include at least 5 types of play equipment, with impact absorbing surface beneath and around the equipment.
- Each area to include a small games area which may be grassed within the boundary of the playground.
- Each area to be entirely fenced with self closing gates. Fencing to be a height of 1m.
- Area to include seating and a litter bin.
- Signage to include the age group that the facility is intended for and to state that dogs are excluded. Also to show name and contact of Facility Manager.

Main Characteristics of a NEAP

- To cater primarily for older children, but to also include a separate area for infants (3-5 year olds). In Tendring District, a particular priority is to provide areas for children in the 11+ age group.
- To be within 10mins walking time of home.
- To be located adjacent to a well-drained pathway on a site which is flat and well-drained.
- To provide a minimum activity area of 1000msq divided into 2 parts. At least 465msq of hard surface area and equipped play space area.
- To include at least 8 types of equipment to allow developmental play amongst younger children and moderately adventurous play amongst older children.
- In areas aimed at 11+ age group to ensure each site has a minimum of 2 activities plus socialising or 'hanging out' areas. Appropriate activities might include a single basketball skills goal, a climbing boulder or similar.
- To include a buffer zone of 30m depth including planting and other physical features.
- To be fenced by 1m high fencing, including self closing gates at two points providing pedestrian access.
- To include, seating, litter bins and secure cycle parking.
- Signage to include the age group the facility is intended to be used for as well as contact name and number for Facility Manager.

APPENDIX 4

WORKED EXAMPLE OF CALCULATION OF COSTS PER BEDROOM

CALCULATING THE CONTRIBUTIONS FOR THE PROVISION AND/OR IMPROVEMENT OF PUBLIC OPEN SPACE, SPORT AND RECREATION

Contributions are based on the cost of new provision to National Playing Fields Association (NPFA) standards and are determined in relation to:

- The size of the proposed residential development in terms of the number of bedrooms.
- The cost of equipped and casual children’s play space, formal playing fields, sports pitches, courts and informal open space per 1,000 people as recommended in the NPFA six acre standard as a minimum.

Contributions are related to the number of residents in each housing development.

The number of residents is determined from the number of bedrooms identified in the planning application and assumes the following occupancy;-

- Studio\bedsit\elderly = 1.0 residents
- 1 bed = 1.5 residents
- 2 bed = 2.5 residents
- 3 bed = 4.0 residents
- 4 bed = 5.0 residents
- 5+ bed = 6.0 residents

The overall cost of playing space per 1,000 people is made up of three cost elements,

- The cost of acquiring the area of land needed for playing space as set out in the NPFA standard.
- The cost of preparing the playing spaces, including the supply and installation of typical equipment.
- The cost of maintaining the playing spaces for a period of 20 years.

These cost elements are calculated for each category of NPFA defined playing space and are set out in table 1 below. They are based on broad specifications for typical facilities provided for each type of playing space to meet the NPFA standard as follows:-

	Typical Standard Specification per 1,000 People
Informal/ Formal Space	<p>Area = 1.6 ha</p> <p>Formal Space Site levelled and graded. A piped drainage system with topsoil suitably ameliorated to allow free drainage so that pitches are playable in winter. Cultivated and seeded with a suitable sports turf grass seed mixtures.</p> <p>Two winter games pitches (e.g. football, rugby). One club standard cricket table 28 metres square constructed above an aggregate raft and using imported rootzone. All posts and equipment included.</p> <p>Informal Space</p>

	<p>Site levelled and graded. A piped drainage system with topsoil suitably ameliorated to allow free drainage so as not to be waterlogged in winter. Cultivated and seeded with a suitable amenity grass seed mixture.</p> <p>A small amount of landscaping and features.</p> <p>Mowing up to 16 times per year with a tractor gang mower. Hand trimming of grass around obstructions. Litter and weed control. Miscellaneous minor maintenance.</p>
Childrens equipped Playing Space	<p>Area 0.8 ha</p> <p>Provision as for casual playing space but containing equipment to LEAP / NEAP standard complete with impact absorbing surfacing, fences and gates. A NEAP caters for older children and has more items of equipment including a Multi-Use Games Area or skating area, and youth meeting shelter.</p> <p>Maintenance as for Informal Playing Space but smaller mower used. Also includes weekly, monthly and annual safety inspections to equipment. Maintenance and repair of equipment, surfacing, fences etc.</p>

It is important to note that these specifications are used solely for the purpose of calculating the developer contributions. Local needs and priorities will determine how the contributions are spent. All costs will be reviewed annually.

Table 1. Breakdown of costs for typical facilities per 1000 people

	Per 1,000 people		
	Formal & Informal Space	Children's Play Space	Total Cost
Cost of Acquiring Land ¹	£32,250	£3,750	£36,000
Cost of Providing Facilities	£255,000	£92,500 ²	£347,500
Maintenance cost ³	£110,000	£50,000	£160,000
Total			£543,500

- 1 The current cost of acquiring land is calculated at 2 x agricultural value. At 2007 prices this is £15,000 per hectare.
- 2

Cost of LEAP	£50,000
Cost of NEAP	<u>£125,000</u>
Average	£87,500
Grass area	<u>£5,000</u>
Total	£92,500
- 3 Maintenance costs are the current costs incurred in maintaining the typical facilities as determined by the Council's Leisure Services. They are for a twenty-year period. This also includes the cost of project managing this service.