



The Provision
and
Funding of
Open Space
Through
Development

Supplementary Planning Document (SPD)

Adopted May 2008

SUPPLEMENTARY PLANNING DOCUMENT (SPD)

THE PROVISION AND FUNDING OF OPEN SPACE THROUGH DEVELOPMENT

MID DEVON LOCAL PLAN FIRST ALTERATION POLICY

1 The previous Adopted Local Plan of 1998 sets down policy on the provision of open space through policies H15 and H16. This is supported with more detail through the adopted (October 2000) Supplementary Planning Guidance (SPG) 'The provision and funding of open space through development'. This Supplementary Planning Document (SPD) is prepared to update the SPG and bring it to SPD status. The Adopted SPG of October 2000 can be viewed at:

<http://www.middevon.gov.uk/index.cfm?articleid=1800>

2 The Adopted Local Plan First Alteration (2006) is the primary consideration in dealing with planning applications, along with the Adopted Local Development Framework Core Strategy. This Plan supersedes the Local Plan of 1998. It sets out the position for the provision of open space in association with residential development, through two policies; C4 and C5 (Appendix 1). Both these policies seek to ensure that new housing provides open space and children's play areas at a scale related to the development. A minimum standard is 60 square metres of equipped and landscaped public open space per dwelling, to include children's play areas, sports areas and informal open space in proportions appropriate to the type of dwellings proposed. The plan recommends the proportions of different types of open space of which 10 square metres should be play areas, 10 square metres should be informal open space and 40 square metres should be for sports.

3 The policies differentiate between sites of a substantial scale and smaller schemes. It is normally appropriate to seek provision of open space and play areas within the site of schemes of 50 dwellings or more. Below that scale of development the provision of on-site open space is often impractical with large numbers of very small provisions with resulting difficulties for maintenance and close proximity of the open space to dwellings. However, the policy allows for the Council to seek contributions towards the provision or improvement of facilities elsewhere if provision on site is problematic or undesirable.



OFF-SITE PROVISION OF OPEN SPACE

- 4** Nearly all housing developments bring about demand for such facilities proportionate to their scale and dwelling size. However, the provision and maintenance of public open space and children's play areas becomes more difficult the smaller the scheme. With quite small developments it becomes impossible to make on site provision even though the occupation of the housing will generate a demand for facilities. This lack of provision would result in a cumulative unmet demand for facilities.
- 5** Where on-site provision is impossible or undesirable it is therefore reasonable to seek contributions towards the costs of providing the necessary facilities in an off-site location.
- 6** The Local Plan policies are to ensure that open space is provided in step with housing development by seeking contributions from developers for a fund for off site facilities where it is not practical to make provision on-site
- 7** The provision of open space is discussed in the Department of the Environment Circular 5/2005, which allows for planning obligations to be sought for contributions to allow for infrastructure to be secured. These contributions may be pooled and used for the purpose of providing new or improved open space that is directly related to the development proposed. This is reinforced by advice in Planning Policy Statement 3 (Housing) (November 2006) that considers the need to ensure there is a good provision for recreation, including play areas.
- 8** It is reasonable to expect all new development to contribute to the provision of open space, required to meet the needs of that development. Once such a system is introduced, the provision of open space will keep pace with new development and only current shortfalls may need to be made good through other means. This will ensure that public open space is provided and paid for by the development. The burden of provision for new development will not fall on local taxpayers generally.
- 9** The Local Plan policy enables the introduction of a scheme. The difficulties of on-site provision for small schemes makes the implementation of policy inequitable before the introduction of the SPG. This relates to provision made by large developments in comparison to small and between different areas of the District.

- 10** Otherwise, many small developments would make no contribution to open space provision. The distribution of development by size through the District means that urban areas, with their greater proportion of larger developments, achieve a better level of provision through development.
- 11** A substantial part of Mid Devon is rural and has mainly had small-scale development with no related open space provision. The completion rates illustrate the disadvantage the system of open space provision has upon the rural areas. For example, prior to the introduction of the SPG of October 2000, the three main towns had approximately 20% of completions on small sites, whereas the remainder of the District has approximately 67% of completions on sites under 25 dwellings, with no resulting open space provision.
- 12** The on-site provision of open space in medium size developments (say 25-50 dwellings) may not always be appropriate. It can result in the proliferation of small play areas and open space that does not best meet the needs of the development or the settlement. The facility for seeking contributions for off-site provision exists through Local Plan policy C5. The Council will seek such agreements, as appropriate, and ensure future facilities are directly related to the development proposed.
- 13** A systematic approach is necessary for the provision of off-site open space through contributions from developments through Policy C5.
- 14** The scheme for collecting contributions for off site provision applies to all new housing, including single dwellings, whether built as tied accommodation, conversions of existing buildings, flats, maisonettes or permanent mobile homes.
- 15** Where development results in the provision of additional dwellings through the conversion of a larger dwelling(s), possibly with extension; then the payment due will be calculated in accordance with the scale of contribution (Appendix 4) of the new development less the contribution that would have been required for the existing dwelling(s)
- 16** The only exceptions are replacement dwellings, extensions including granny annexes; wardened accommodation; nursing homes; or other similar institutional developments and temporary mobile homes.



Policy OS1

Where the provision of on site open space is impractical contribution will be sought based on the normal cost of the off-site provision to provide additional or improved provision serving the development. Normally, contribution will be sought for developments of under 50 dwellings.

- 17** The provision of affordable housing is a high priority to the Council. Schemes for affordable housing could be rendered unviable or less affordable by the cost of contribution for open space provision. In the case of 100% affordable housing sites no payment or provision of open space will be sought in accordance with the adopted SPD 'Meeting Housing Needs' (policy MHN5). That SPD also reduces the open space requirement for sites of under 300 dwellings that provide 40% or more affordable houses. In these circumstances, the reduction in open space provision or contribution will be the same percentage as the affordable housing provision.

Policy OS2

Contribution for the provision or improvement of open space will be sought for all new dwelling(s) or the creation of additional dwelling(s) through conversion except for:

- **Replacement dwellings of the same size**
- **extensions including granny annexes;**
- **wardened accommodation;**
- **nursing homes, or other similar institutional developments; and**
- **temporary mobile homes.**

No contribution will be sought in respect of 100% affordable housing proposals.

For developments of under 300 dwellings, where 40% or more affordable houses is to be provided, there will be a reduction in open space provision or contribution at the same percentage as the affordable housing provision.

CATCHMENT AREAS

- 18** The Council has divided the district into catchment areas. (Plan 1) This is to ensure that all parts of the District can generate open space within a reasonable time span and that provision is directly related to the development in accordance with Circular 5/2005.
- 19** The Council has prepared an Open Space and Play Area Strategy (December 2006). This analyses each catchment area to identify open space by category and identify qualitative and quantitative deficiencies in the provision for outdoor sport, children's play areas and amenity open space. This will be used to assist in ensuring that contributions are directed to the most appropriate improvements and provide best value. The definition of each catchment area can be found in Appendix 2.
- 20** Contributions generated within a catchment area will be spent in that catchment area.

Policy OS3

Contributions will be spent to make new or improved open space provision within the catchment area that they are collected.

THE SCALE OF CONTRIBUTION

- 21** The scale of contribution, calculated at a base date of April 2007, is set out in Appendices 3 and 4. For larger developments off-site provision for children's play may be inappropriate as it may be distant from the development. In these circumstances reduced contribution will be sought as set out in Appendix 4. It is directly related to the development proposed and the cost of providing open space off-site. The need for open space provision is brought about by the increase in population that results from new development. The contribution sought is therefore based upon the number of rooms that the dwellings have, as there is a direct relationship between rooms and people living in the dwelling.



- 22** The base of the scale of contribution is the National Playing Fields Association (NPFA) cost guide of 2003. However, the NPFA have not programmed an update to this document. Therefore, the costs have been updated to the base date by the monthly index numbers of retail prices published National Statistics (RPI). The contribution will be updated annually in accordance with the RPI. The cost of providing land at a location adjoining but outside a settlement limit as defined in the Adopted Local Plan is based upon valuations provided by the Valuation Office.
- 23** The contribution is determined by a calculation for providing open space off-site by area. The Local Plan sets out the area of open space required per dwelling. To ensure the cost is related to the development proposed, the cost per dwelling is related to occupancy rates. This establishes the contribution in relation to the size of the dwellings proposed.
- 24** The size of the dwelling is based upon the number of rooms. This is defined as rooms that are larger than 2 metres in both directions. This includes bedrooms, living rooms, dining rooms, studies, kitchens and utility rooms; but excludes bathrooms, toilets, halls, landings and rooms that can only be used as storage. Where the proposal includes combined rooms such as lounge/dining rooms these will be considered as two rooms.
- 25** In the case of outline planning applications, the Council will accept payment for the average cost of provision, by unilateral undertaking should the applicant wish to immediately discharge the obligation. The payment is per dwelling in accordance with the number of dwellings stipulated on the application.

Policy OS4

The contributions sought is based on the number of dwellings and their size in accordance with the following:

Number of Rooms	Cost Per Dwelling (£)
1	584
2	666
3	672
4	833
5	1080
6	1158
7 or more	1336

The above contributions will be revised in accordance with any future National Playing Fields Association (NPFA) cost guide; or

in the absence of any NPFA revision, annually for the period April- March in accordance with the monthly index numbers of retail prices published National Statistics.

For developments where the size of the dwellings is unknown (outline planning permissions), the Council will accept discharge of the obligation through unilateral undertaking for the average contribution per dwelling of £1116.

COLLECTION OF CONTRIBUTIONS

- 26** Contributions will be collected by means of a planning obligation or unilateral undertaking (Section 106 Town & Country Planning Act 1990). Planning permission for new dwellings will not be issued until the developer has completed an obligation. This can be drawn up as a planning obligation by the Council or be offered by a developer as a unilateral undertaking. Both methods are acceptable and should include reference to the standard formula in order to calculate the amount payable on the scheme and reference to it being spent on an identified open space scheme in the catchment area within a reasonable period of time.
- 27** The applicant will be required to make their contribution on commencement of development at the latest, or grant of consent if the obligation is a unilateral undertaking. For larger developments contributing to off-site facilities phased payment may be acceptable.
- 28** Where the application is in outline and the size of dwellings unknown, the S106 will include a formula to allow the appropriate level of contribution to be calculated once the details are known. The Council will accept payment based on the average cost of provision per dwelling for outline consents where the contribution is through unilateral undertaking. For applications with S106 agreements where payment is deferred, the formula for contributions will be linked to inflation to ensure that funding is in line with costs at the time of payment.



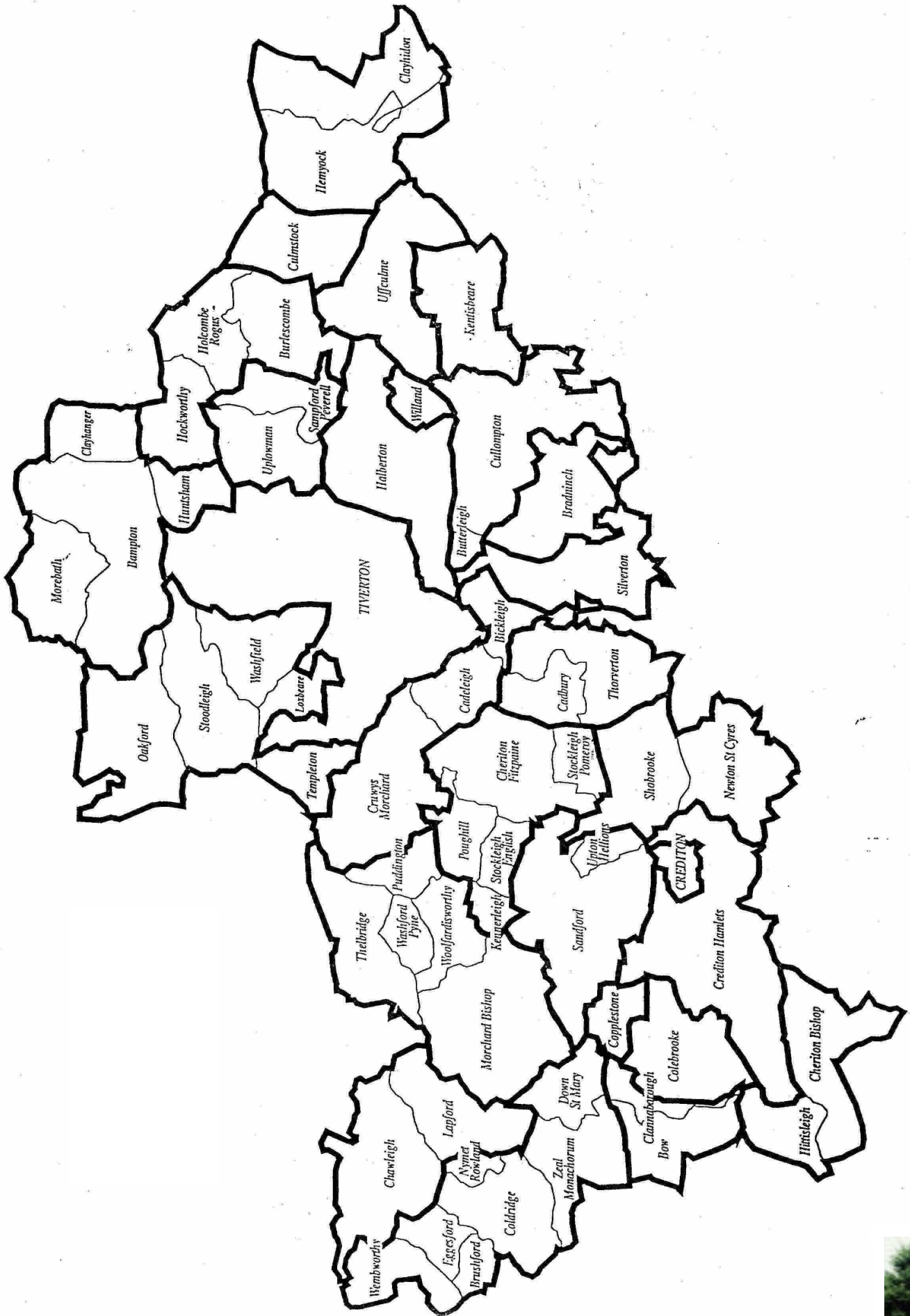
SPENDING OF CONTRIBUTIONS

29 The contributions collected will be held in a fund by the Council. They will be distributed within the relevant catchment area to bring forward new or improved provision of sports areas, children's play areas and informal open space.

30 In determining whether to fund provision or improvements, the Council will have regard to the following:

- The views of Council Ward Member(s) in the catchment area;
- The views of Town or Parish Council(s) in the catchment area;
- The priorities for improving open space identified in the Council's Open Space and Play Area Strategy (December 2006). Available at:
<http://www.middevon.gov.uk/index.cfm?articleid=5133>
- Providing value for money;
- The potential for securing external or matched funding.

31 The process for securing funding is set out in Appendix 5.



ADOPTED MID DEVON LOCAL PLAN 2006

POLICY C4 - Public open space standards

New housing developments will be permitted provided they make provision for at least 60 sqm of equipped and landscaped public open space per dwelling, to include children's play areas, sports areas and informal open space in proportions appropriate to the type of dwellings proposed.

Public open space should have safe and convenient access on foot or cycle from the proposed dwellings, taking account of its target age group, and avoid creating noise problems for existing or proposed dwellings.

POLICY C5 - Public open space - off - site provision

Contributions towards off - site provision of public open space or other appropriate recreational provision will be sought from proposed housing developments, where;

- I) policy C4 applies to the site; and
- II) some or all of the public open space requirement set out in policy C4 is not provided on the site, because;
 - a) too few dwellings are proposed for viable or useful on - site provision to arise from the development; or
 - b) the site is otherwise incapable of providing adequate on - site public open space to the required minimum standard; or
 - c) off-site provision would be in the public interest; and
- III) a scheme for public open space or other relevant recreational provision is identified to serve the proposed housing.

Contributions sought will be based on the normal cost of the off-site provision required and be used to provide additional or improved recreational provision serving the development.



DEFINITION OF CATCHMENT AREAS

CATCHMENT NAME	PARISHES IN CATCHMENT
Bampton	Bampton, Morebath, Clayhanger and Huntsham
Bickleigh	Bickleigh, Cruwys Morchard and Cadeleigh
Bow	Bow and Clannaborough
Bradninch	Bradninch
Burlescombe	Burlescombe, Holcombe Rogus and Hockworthy
Cheriton Bishop	Cheriton Bishop and Hittisleigh
Cheriton Fitzpaine	Cheriton Fitzpaine, Stockleigh English, Stockleigh Pomeroy, Poughill and Kennerleigh
Colebrooke	Colebrooke
Copplestone	Copplestone
Crediton Hamlets	Crediton
Cullompton	Cullompton and Butterleigh
Culmstock	Culmstock
Down St Mary	Down St Mary, Zeal Monachorum, Coldridge, Brushford, Eggesford, Nymet Rowland and Wembworthy
Halberton	Halberton
Hemyock	Hemyock
Kentisbeare	Kentisbeare
Lapford	Lapford and Chawleigh
Morchard Bishop	Morchard Bishop, Thelbridge, Washford Pyne, Puddington and Woolfardisworthy
Newton St Cyres	Newton St Cyres and Shobrooke
Oakford	Oakford, Stoodleigh, Washfield, Loxbeare and Templeton
Sampford Peverell	Sampford Peverell and Uplowman
Sandford	Sandford and Upton Hellions
Silverton	Silverton
Thorverton	Thorverton and Cadbury
Tiverton	Tiverton
Uffculme	Uffculme
Willand	Willand



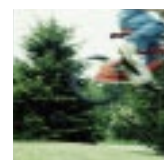
SCALE OF CONTRIBUTION

Cost per dwelling of providing off site Public Open Space, Children's Play Area and Amenity and Park off site

Local Plan Standard		Total	Comprising (square metres)		
			Sports/ Kickabout	Children's Play	Amenity and Park
		60.00	40.00	10.00	10.00
Costs/sq.m.*1			£per sq.m.	£per sq.m.	£per sq.m.
Grading	1.70-1.90/sq.m.		1.80	1.80	1.80
Drainage	13700-19600/7000sq.m.=	23786/ha	2.38	2.38	2.38
Cultivation/seeding	2500-3500/7000s.m.=	4286/ha	0.43		0.43
Fencing*2	17-22/metre	200 metres/ha @ £19.50/m	0.39	0.39	
Car parking*3	562s.m.@ 13-15/sq.m.=	7868 per facility	0.49		
Land cost*4	£38276	per hectare	3.83	3.83	3.83
Equipment*5	8000-10000 per area =	22.5 per sq.m.		22.50	
Buildings*6	100 sq.m. @843/sq.m. =	84300 per facility	5.59		
		Cost per sq.m.	14.90	30.90	8.44
		Total	596.19	308.97	84.36
Adjusted for inflation (RPI) April 2003 - March 2007			672.52	348.53	95.16
		Total	672.52	348.53	95.16
Total cost per dwelling			1116		
Adjusted to Regional Variations*7			1116		
Total Cost per dwelling where children's play is provided on site			767.68		

Notes

- *1 National Playing Fields Association Cost Guide 2003
- *2 Assumes new facility will need fencing/boundary treatment on two of four sides
- *3 Based on provision of 30 spaces per facility where average facility is 1.61ha
- *4 Based on average cost provided by District Valuer for land outside but adjoining settlement limit
- *5 NPFA cost for small play area. A LEAP is specified as a locally equipped area of 400 sq.m.
- *6 Based on 2003 NPFA for Pavillions/changing rooms related to the average size District facility of 1.72ha
- *7 Regional Variation on the cost of provision is 100% for South West (NPFA)



SCALE OF CONTRIBUTION

Cost per dwelling of providing public open space, and amenity and park off-site.

Also on-site provision for children's play as this may be applicable for large developments so that children's play is not distanced from housing.

Average cost per dwelling (£) 1116

Average cost per dwelling not including play (£) 768

No. of Rooms	Total Households	Total Persons	Persons/ Household	Proportion of Average Persons/ household *1	Cost/ dwelling *2 (£)	Cost/ dwelling (£) not including play
1	66	83	1.26	0.52	584	402
2	341	489	1.43	0.60	666	458
3	948	1371	1.45	0.60	672	462
4	4145	7434	1.79	0.75	833	573
5	6144	14282	2.32	0.97	1080	743
6	4994	12446	2.49	1.04	1158	796
7 or more	8200	23580	2.88	1.20	1336	919
Total/ Average	24838	59685	2.40			

Notes

*1 is persons per household/average persons per household

*2 is *1 times cost. Thus cost is directly related to the development proposed Household and Person figures - 2001 Census for owned and private rented, as affordable housing does not provide open space contribution



Appendix 5

Mechanism for the Allocation of S106 Developer Contributions for Open Space Enhancement.

Applicant to request level of funding currently available from Forward Planning and Conservation Manager (FP&CM), or any succeeding delegated officer, and discuss project in principle.

If the project will impact on District Council (DC) land early consultation with Estate Management Unit (EMU) or any succeeding officer is advised.

If the proposal involves play equipment or constructional works then consultation in all cases with EMU advisable. This is to confirm suitability, value for money and appropriate specification.

Applicant to approach the FP&CM with details of the project (ideally with Ward Member support and confirmation of suitability, if appropriate, from EMU) along with three quotations, or best endeavours.

If Ward Member support is unknown or EMU confirmation is not available then:

- 1 applicant advised to obtain this; or
- 2 FP&CM will seek directly

The FP&CM to confirm suitability of project and agreement to release of funds

If project will impact on DC land then liaison on timing and means of execution to be established with EMU

If project is on land other than DC involving play equipment or other constructional works then the EMU is to be informed of timing of works to enable periodic inspection to ensure compliance with specification.

Invoices or request for re-imburement are to be submitted by applicant to the FP&CM on completion of works to enable authorisation for payment following certification of satisfactory completion by EMU, if appropriate.

